

**Lytton First Nation
Senior Citizens Complex Lands Nuisance and Noise
By-Law No. 2019-01**

***A By-law to provide for the peace, quiet, and enjoyment of the community on the
Lytton Senior Citizens Complex Lands of the Lytton First Nation***

BACKGROUND:

- A.** The Council of Lytton First Nation deems it advisable and in the best interests of Lytton First Nation to enact a law to regulate or prohibit the making or causing of excessively loud noises or sounds within the Lytton Senior Citizens Complex Lands which are located on Lytton First Nation reserve land;
- B.** The Lytton First Nation, in accordance with tradition, has recognized the importance of the collective rights of the community and the priority of those collective rights over the rights of the individual;
- C.** The Council of the Lytton First Nation is empowered to make such a by-law pursuant to subsections 81(1)(c), (d), (p), (p.1), (q) and (r), and subsection 81(5) of the *Indian Act*, R.S.C., c. I-5;
- D.** It is considered necessary for the health, safety and welfare of the Lytton First Nation to regulate nuisance behavior of members of the Band and other persons on the reserve;

NOW THEREFORE the Council of the Lytton First Nation enacts this by-law as follows:

SHORT TITLE

- 1.1. This by-law may be cited as the “Lytton First Nation Senior Citizens Complex Lands Nuisance and Noise By-law No. 2019-01”.

INTERPRETATION

- 2.1 In this Law, unless the context otherwise requires:

“**Council**” means the elected Chief and Councilors of Lytton First Nation;

“**Intoxicant**” includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating, all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating; all illegal drugs as defined in the *Controlled Drugs and Substances Act*; and all forms of Cannabis as defined in Schedule 1 of the *Cannabis Act*.

“Tenant” means:

1. A person lawfully residing on the property by way of band council resolution or other rental agreement; and
2. A person entitled to possession of the property if there is no person residing on the property.

“Officer” means any police officer, peace officer or other person charged with the duty to preserve and maintain the public peace, and any person appointed by the Council for the purpose of maintaining law and order on the Reserve;

“Parcel of land” or **“Parcel”** means any lot, block, manufactured home pad or other area in which real property within the Reserve is held or into which real property within the Reserve is subdivided and the improvements affixed to it;

“Reserve” means all Indian Reserves of the Lytton First Nation under the *Indian Act*, R.S.C. 1985, c. I-5.;

“Road” includes all public streets, roads, lanes, ways, trails, bridges and approaches and any other public way designated or Intended for use by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited and includes the roadway, shoulder, ditch and sidewalk area and whatever lands lie between the property lines of the Road, but does not include a private right of way on private property; and

“Senior Citizens Complex Lands” means those lands located on Lytton First Nation Reserve Inkluckcheen No. 21, designated as Kamloops District, in Sections 13 & 24, TP. 15, R. 27, W.6M, 3 Miles North of Lytton.

OFFENCES

- 3.1 No person shall make or cause, or permit to be made or caused, any noise in or on a Road or elsewhere within the Senior Citizens Complex Lands which disturbs the peace, rest, quiet, enjoyment, comfort, or convenience of any person or persons in the neighborhood or vicinity of the Senior Citizens Complex Lands.
- 3.2 No Tenant shall allow or permit such land to be used so that noise or sound which emanates therefrom disturbs the peace, rest, quiet, enjoyment, comfort, or convenience of any person or persons in the neighborhood or vicinity of the Senior Citizens Complex Lands.
- 3.3 No person shall, through consumption of an intoxicant, be intoxicated in a public place or area of the Senior Citizens Complex Lands.

- 3.4 No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place on the Senior Citizens Complex Lands in such a manner as to disturb the peace, rest, quiet, enjoyment, comfort, or convenience of any person or persons in the neighborhood or vicinity of the Senior Citizens Complex Lands.
- 3.5 No person on Reserve shall own, keep, or harbor any animal or bird which by its barks, cries or sounds unduly disturbs the peace, rest, quiet, enjoyment, comfort or convenience of any person or persons on the Senior Citizens Complex Lands.
- 3.6 No person on Reserve shall on any day before 7:00 a.m. or after 10:00 p.m. construct, erect, re-construct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner whatsoever which makes, causes noise or sounds in or on a Road or elsewhere within the Senior Citizens Complex Lands which disturb or tend to disturb, the peace, rest, quiet, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity.
- 3.7 Notwithstanding other provisions of this by-law, in particular subsection 3.6, a person may apply to the Lytton First Nation Council, or to any other person duly authorized by Council, for and receive from the Lytton First Nation a permit authorizing the making of reasonable noise or sounds.
- 3.8 Notwithstanding any provisions of this by-law, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus will be on the person performing the work to show cause that the work was of an emergency nature.
- 3.9 Notwithstanding the provisions of this by-law, a person may apply for and receive a permit for a special event in which permit the requirements of this by-law may be waived by Council acting in the best interest of the Lytton First Nation and pursuant to a band council resolution.

FEES AND FORMS

- 4.1 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this by-law, and will make a copy of same available for viewing free of charge at the administrative offices of the Lytton First Nation and available for distribution at a nominal charge.

OFFENCES

- 5.1 Any person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this by-law, is guilty of an offence under this by-law, and is liable to the penalties imposed by this by-law.
- 5.2 Any person who is guilty of an offence under this by-law is liable, on summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00) or to a term of imprisonment not exceeding thirty (30) days, or to both.
- 5.3 Each day a violation of this by-law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.
- 5.4 No person shall obstruct, interfere with or hinder Council, the Lytton First Nation, or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this by-law.

ENACTMENT

This by-law is hereby enacted by the Council of the Lytton First Nation at a duly convened meeting held on the ____ day of _____, 2019

The quorum of the Council is __ members. The number of members of the Council present at the meeting: _____.

Voting in favour of the Lytton First Nation Senior Citizens Complex Lands Noise and Nuisance By-law are the following members of the Council:

Chief

Councilor

Being the majority of those members of the Council of the Lytton First Nation present at the aforesaid meeting.

I, _____, Chief of the Lytton First Nation, do hereby certify that a true copy of the foregoing by-law was published pursuant to subsection 86(1) of the *Indian Act*, this ____ day of _____, 2019.

Chief

Witness