

BY-LAW NO, 2009-01
OF THE COWICHAN TRIBES
A BY-LAW TO BAN THE SALE, POSSESSION AND USE OF FIREWORKS
ENACTED ON THE 9 DAY OF JUNE, 2009

WHEREAS the Council of the Cowichan Tribes desires to make a By-Law respecting to ban the sale, possession, and use of fireworks, with respect to any matters arising out of ancillary to the exercise of powers under section 81 of the *Indian Act*, and for the imposition of a penalty for violation thereof;

AND WHEREAS paragraph 81 (1) (c), (d), (q) & (r) of the Indian Act, R.S.C. Ch1-5, empowers the Council of a band to make By-laws for the observance of law and order, the prevention of disorderly conduct, matters ancillary thereto, and a penalty for the violation thereof;

AND WHEREAS nothing in the By-Law shall deem to alter, diminish, derogate or abrogate our Aboriginal or Treaty Rights;

THEREFORE; the Council of the Cowichan Tribes enacts this By-Law as follows;

SHORT TITLE

- 1) This By-Law may be cited as the “Cowichan Tribes Ban The Sale, Possession and Use of Fireworks By-Law”

INTERPRETATION

“Council of the band” means

- (a) in the case of a band to which section 74 applies, the council established pursuant to that section
- (b) in the case of a band to which section 74 does not apply, the council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band;

“Cowichan Tribes Lands” means

The villages located within the boundaries of Cowichan Tribes named:

- 1: 06799- Cowichan No#1
- 2: 06800- Theik No.2
- 3: 06801- Kil-Pah-Las No.3
- 4:-06802- Est-Patrolas No.4
- 5: 06803- Tzart-Lam No.5
- 6: 06804- Kakalatza No.6
- 7: 06805- Skutz No.7

8: 06806- Skutz No.8

9: 06807 Cowichan No.9

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

- 1 In this by-law, “fireworks”, includes cannon crackers, fireballs, firecrackers, mines, Roman Candles, sky-rockets, squibs, torpedoes, and such other explosives as may be designated as such by the Lieutenant Governor in Council.
- 2
 - a) No person shall sell, dispose of, directly or indirectly, any fireworks of any kind at any time within Cowichan Tribes Lands
 - b) No person shall fire or set off fireworks or have in his possession fireworks of any nature or any kind at any time within the Cowichan Tribes Lands
- 3 Notwithstanding the provisions of this by-law, fireworks may be sold to and discharged by any organization conducting a public or private display if such a display is held with the written permission of Council or designated agent, and is adequately supervised.
- 4 A peace officer may, investigate, and seize fireworks from a person found to be in breach or infraction of this bylaw.
- 5 Every person who offends against any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention of any of the provisions of this by-law, shall be guilty of an infraction of this bylaw and shall be liable, on summary conviction, to a fine not more than \$1000.

THIS BY-LAW NO. 2009-01, A BY-LAW TO BAN THE SALE, POSSESSION AND USE OF FIREWORKS, IS HEREBY made at a duly convened meeting of the Cowichan Tribes this 9th day of June, 2009.

Voting in favour of the By-Law are the following members of the Council:

Chief Jya Vadu
Chief

Howa Skisau
Councillor

Robert Sylvester
Councillor

Arvid Charlie
Councillor

Andy Gault
Councillor

Cindy Daniels
Councillor

Allie Charlie
Councillor

Wayne Charlie
Councillor

Howes George
Councillor

Ed Elliott
Councillor

Justin
Councillor

Wesley
Councillor

Councillor

being the majority of those members of the Council of the Cowichan Tribes present.

There are 13 Council members and a Quorum of Council is 5 members.

Number of members of the Council present at this meeting: 12

Sandra Seymour
Witness

Chief/Councillor