



LAC LA CROIX FIRST NATION – NEGUAQUON LAKE 25-D
BY-LAW RESPECTING MISCHIEF AND VANDALISM TO
FIRST NATION PROPERTY BY-LAW 2006-02

WHEREAS the citizens of Lac La Croix First Nation have, collectively, the inherent right to govern themselves on their traditional and ancestral territories as provided by the Creator, that this fundamental right had always rested with our people, and that the inherent right of self determination is an existing aboriginal and treaty right recognized and affirmed under section 35 of the **Constitution Act, 1982**;

AND WHEREAS the exercise of the inherent right of self determination involves, amongst other things, the enactment of laws and regulations for the maintenance of social order and quality of life on reserve;

AND WHEREAS the Council of Lac La Croix First Nation desires for the better government of the First Nation to enact a By-law for the prevention of Mischief and Vandalism to First Nation Property and for the imposition of a penalty for a violation of the By-law;

AND WHEREAS paragraphs 81(1)(d),(q) and (r) of the Indian Act, R.S.C. 1985, c. 1-5, as amended , also empowers the Council of Lac La Croix First Nation to make By-laws governing the citizens of a First Nation and other persons on reserve;

BE IT THEREFORE RESOLVED, that the Council of Lac La Croix First Nation at a duly convened meeting enacts the following By-law in an express exercise of its rights pursuant to the inherent right of self determination and section 81 on the Indian Act.

SHORT TITLE

1. This By-law maybe cited as “**Mischief and Vandalism to Lac La Croix First Nation Property By-law**”.

DEFINITIONS

2. In this By-law:

“ **Child**” means any person under the age of 16 years;

“ **Council of the First Nation**” means the Council of Lac La Croix First Nation, a council of a band as defined in section 2(1) of the Indian Act;

“ **First Nation**” means the Lac La Croix First Nation, a Indian Band as defined in section 2(1) of the Indian Act;

“ **First Nation Property**” means all property (ie: buildings, equipment, machinery, vehicles, etc.)owned by Lac La Croix First Nation;

“ **Indian Act**” means the Indian Act, R.S.C. 1985, c. 1-5, as amended:

“ **Mischief**” means a source of harm or irritation, action that annoys or irresponsible play;

“ **Officer**” means any Peace Officer as defined in section 2 of the Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended; or other person charged with the duty to preserve and maintain public peace, and any By-law Enforcement Officer or other person appointed by Council for the purpose of maintaining law and order on reserve, pursuant to such by-laws as have been or maybe enacted from time to time by Council;

“ **Parent**” means a mother, father, guardian or person having custody or care in law or in fact of a child;

“ **Restitution**” means the act of restoring: the state of being restored: restoration of something to its rightful owner: amends, redress, reparation, indemnity, or compensation;

“ **Vandalism**” means willful or malicious destruction or defacement of public or private property;

ACTS OF MISCHIEF AND VANDALISM

3. (1) Every person who commits an act of mischief or vandalism is guilty of an offence.
- (2) An officer may order any person who is engaged in any act of mischief or vandalism to stop such behavior immediately.

CHARGE FOR BREACH OF BY-LAW

4. In addition to the authority of a Peace Officer to lay a charge for breach of this By-law, the Council of Lac La Croix First Nation shall also have the authority to instruct by resolution that a charge for breach of By-law be laid, by a Peace Officer, or other person.

ENFORCEMENT

5. (1) Where a person who has been ordered to stop engaging in the act of mischief or vandalism fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to stop the act of mischief or vandalism, or to prevent further mischief or vandalism,
- (2) A person who fails or refuses to comply with an order from a officer, or who resists or interferes with an officer acting under this authority, commits an offence.

RESTITUTION PROVISION

6. (1) If a child causes the act of mischief or vandalism to any First Nation Property, the parents or guardians shall be responsible for the damage(s) incurred. The parents or guardians shall pay (restitution) for the amount of damage(s) incurred to Lac La Croix First Nation, and if not so, shall be charged accordingly.

PENALTY

7. A person who commits an offence under this By-law is liable on summary conviction to a fine not exceeding **One Thousand(\$ 1, 000.00) Dollars** or imprisonment for a term not exceeding **Thirty(30) Days** or **both**.

This By-law is hereby made at Lac La Croix First Nation, Ontario, at a duly convened meeting of the Council of Lac La Croix First Nation called for this purpose, this 31st day of Aug 2006.

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

Chief Leon Jourdain



Councillor Robert Atatise



Councillor Clinton Geysnick



Councillor Clayton Ottetail

Being a majority of those members of the Council of Lac La Croix First Nation present at the aforesaid meeting of the Council. The quorum of the Council is 3 members. The number of members of the Council present at the meeting was 3.