

CANADA

Province of Quebec

TO WIT

I, MAE C. DECONTIE, residing at Nepean, Ontario make oath and swear that the paperwriting to which this affidavit is attached is a true copy of a document produced and shown to me and purporting to be the original by-law pursuant to the Indian Act and signed by the Chief and Council of the Carcross/Tagish Band of Indians and dated December 17, 1985 the said copy having been compared by me with the said original document.

Sworn to before me at the city of
Hull in the Judicial District of
Hull this 15th day of April, 1986



Stephen A. Roberts
Commissioner of the Taking Oaths
Pursuant to Section 108(a) of the
Indian Act

SOR/86-468
Dated April 18/86 5
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YUKON TERRITORY

DISORDERERLY CONDUCT & NUISANCE BY-LAW

The Council of the Carcross Tagish Indian Band of Indians at a meeting held this 17th day of December 19 85 hereby enacts by-law number 6 to provide for the observance of law and order and for the prevention of disorderly conduct and nuisance within the boundaries of the Carcross Tagish Indian Band lands.

WHEREAS, paragraphs (c), (d), and (r) of Section 81 of the Indian Act empowers the Council of a Band to make by-law to provide for law and order and the prevention of disorderly conduct and nuisance and the imposition of a penalty for a violation thereof, and,

WHEREAS, it is deemed necessary to maintain law and order for the benefit and wellbeing of the inhabitants of Carcross Tagish Indian Band lands.

Now therefore the Council of the Carcross Tagish Indian Band of Indians enacts as a by-law thereof the following:

1. In this by-law:
 - (a) "Council" means the Council as defined in the Indian Act.
 - (b) "Reserve" means the tract of land set apart by Her Majesty within the definition of the Indian Act, for the use and benefit of the Carcross Tagish Indian Band of Indians known as the Carcross Tagish Indian Band.
 - (c) "Constable" means a person appointed for the purpose of maintaining law and order on the Carcross Tagish Indian Reserve Lands.
 - (d) "Public Place" means and includes any place to which the public have access as of right or by invitation expressed or implied and includes a vehicle in a public place.
 - (e) "Residence" means a building or part of a building that is actually a bonafide occupied and used by the owner, lessee or tenant solely as a private dwelling together with the lands and buildings appertinent thereto that in fact are normally and reasonably used as part of the living accommodation.
2. No person shall cause a disturbance in or near a public place.
 - (a) by fighting, screaming, shouting, swearing, singing, or using insulting or obscene language;
 - (b) by being intoxicated with any alcoholic stimulant of drug, or
 - (c) by impeding or molesting other persons.
3. No person shall expose himself or herself or cause an indecent exhibition in a public place or commit any act in a public which offends against public decency or order.
4. No person shall loiter in a public place or in any way obstruct persons who are there.
5. No person shall disturb the peace and quiet of the occupants of a dwelling house by discharging fire-arms, shouting, swearing or using insulting or obscene language or by other disorderly conduct in or near a dwelling house.

6. No person shall within lawful excuse, the proof of which lies upon him prowl or loiter by day or by night upon or near the premises of another person without the occupants permission either expressed or implied.
7. No person shall consume liquor in a public place.
8. No person under the age of nineteen years, shall consume, purchase or attempt to purchase or otherwise obtain liquor.
9. (1) When a constable finds a person who, in his opinion is in an intoxicated condition in a public place, the constable may, instead of charging the person under this by-law, take the person into custody to be dealt with in accordance with this section.
(2) A person placed in custody pursuant to this section may be released from custody at any time, if in the opinion of the person responsible for his custody,
 - (a) the person in custody has recovered sufficient capacity that, if released, he is unlikely to cause injury to himself or be a danger, nuisance or disturbance to others, or
 - (b) a person capable of doing so undertakes to take care of the person in custody upon his release.
(3) A person taken into custody pursuant to his section shall not be held in custody for more than twenty-four hours after being taken into custody.
(4) No action lies against a peace officer or other person for anything done in good faith without negligence with respect to the apprehension, custody or release of a person pursuant to this section.
10. No person shall supply liquor to any person who is under the age of nineteen years.
11. Public drinking:
For the purpose of this by-law public place does not include:
 - (a) a residence
 - (b) such other places as prescribed by the Council for a special occasions.
12. A Constable who has reasonable grounds for believing and does believe that any liquor is being unlawfully kept may search
 - (a) A vehicle, boat or conveyance of any discription.
 - (b) Any person found in a vehicle, boat or conveyance of any discription.
 - (c) The land in the vicinity of the vehicle, boat or conveyance that is being searched.
13. The Constable shall have the power and authority to arreat any person who violates any of the provisions of this by-law.
14. No person shall resist or wilfully obstruct a Constable in the execution of his duty or any person lawfully acting in aiding such a officer.

- 15. No person shall omit without reasonable excuse to assist a Constable in the execution of his duty in arresting a person or in preserving the peace after having reasonable notice that he is required to do so.
- 16. Any person who violates any provision of this by-law shall be guilty of an offence and shall be liable to a summary conviction to a fine not exceeding \$100.00 or imprisonment for a term not exceeding 30 days or both fine and imprisonment.

Approved and passed at a duly convened meeting of the Council of the Carcross Tagish Indian Band of Indians this 17th day of December, 1985.

The quorum for this band consists of Chief and 3 Council members.

CHIEF Stanley James

COUNCILORS

William Otta _____
Patrick James _____
Betty Pope _____

I, Chief Stanley James, Chief of Carcross Tagish Indian Band Band of Indians, do hereby certify that a true copy of the foregoing by-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 82, sub-section (1) of the Indian Act this 17th Day of December, 1985.

Ernest Marshall
 WITNESS

Stanley James
 CHIEF