



Pauingassi First Nation

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**By-law No. 2013-09
 of the Pauingassi First Nation
 Being a By-law for the Removal and Punishment of Persons Trespassing or
 Frequenting the Reserve for Prohibited Purposes**

WHEREAS the Council of the Pauingassi First Nation desires to establish a by-law to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS the Council of the Pauingassi First Nation is empowered to make such by-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(p), (q) and (r) of the *Indian Act*, R.S.C. 1985, c. I-5;

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Pauingassi First Nation reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

NOW THEREFORE the Council of the Pauingassi First Nation hereby makes the following by-law:

Short title

1. This by-law may be cited as "Pauingassi First Nation Removal of Trespassers By-law".

Interpretation

2. In this by-law,

"*Council*" means the Chief and Council of the Pauingassi First Nation as defined in the *Indian Act*;

"*Minister*" means the Minister of Aboriginal Affairs and Northern Development Canada;

"*officer*" means any police officer, police constable 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 (or as a by-law enforcement officer pursuant to By-law No. 2013-02 relating to the prevention of disorderly conduct;

"reserve" means the reserve of the Pauingassi First Nation and includes the Pauingassi First Nation Indian Reserve;

"trespass" means the entry onto, or the presence on, the reserve by a person without lawful justification.

Prohibited Purposes

3.(1) A person, other than a person referred to in subsection (2), who conducts on the reserve any of the following activities, namely:

- (a) hunting, fishing or trapping;
- (b) hawking or peddling of wares or merchandise;
- (c) loitering;
- (d) soliciting financial assistance; or
- (e) disorderly conduct pursuant to the Pauingassi First Nation By-law Number 2013-02.

shall be deemed to be frequenting the reserve for a prohibited purpose.

(2) Subsection (1) does not apply to

- (a) a person who is a lawful resident of the reserve; or
- (b) a person who, under a by-law of the Council, holds a valid licence to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

4.(1) An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately.

(2) Where a person who has been ordered to leave the reserve fails or refuses to do so, an officer may take such reasonable measures as may be necessary to remove the person from the reserve.


(3) A person who fails or refuses to comply with an order made under subsection (1) to leave the reserve, or shall resist or interfere with an officer acting under subsection (2) commits an offence.

Penalty

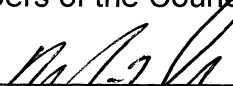
5. A person who violates any provision of this by-law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Band Council of the Pauingassi First Nation this 18 day of December, 2013.

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

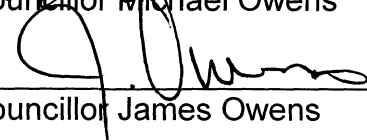


Chief Harold Crow



Councillor Michael Owens

Councillor Roddy Owens



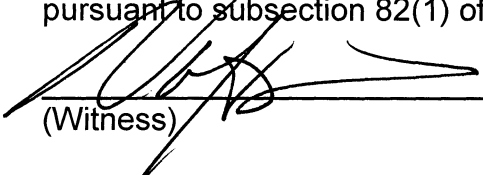
Councillor James Owens

being the majority of those members of the Band Council of the Pauingassi First Nation present at the aforesaid meeting of the council.

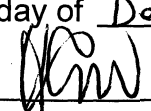
The quorum of the Band Council is three members.

Number of members of the Band Council present at the meeting: 3

I, Harold Crow Chief/Councillor of the Pauingassi Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Aboriginal Affairs and Northern Development at the District/ Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 18 day of Dec., 2013.



(Witness)



(Chief/Councillor)