

Pheasant Rump Nakota First Nation #68

Band Council Resolution

Date: Feb 16th 2012

Chronological Number: 2012-02-16-002

Whereas; at a duly convened Special Chief and Council Meeting, Feb 16th

2012, the following motion was made:

Moved by: Councillor Kathleen McArthur

That the Pheasant Rump Nakota First Nation will enforce the following Zero Tolerance Bylaw for the Pheasant Rump Nakota Band Office which will include no acts of Violence, Life Endangerment, Threats to its Chief, Council, Fellow Membership and Staff while on the First Nation Property of the Band Office. This will include no protests of any kind, no riots, acts of vandalism and no blockades of any kind being conducted at the Band Office; not to impede traffic to and from the Band Office. The Band Office Property shall be deemed at two hundred feet south of the Water Treatment Plant, at two hundred feet north of the SouthEast College Building, at two hundred feet east of the Band Office to the main access road to the Band Office with the Band Office included. See Diagram Attached – Appendix A.

Seconded by: Councillor Gaylene McArthur

Motion Carried Abstentions Against In Favor 4

Whereas; The Chief and Council will impose the following Zero Tolerance Bylaw for the Pheasant Rump Nakota Band Office; Zero Tolerance By-law will include no acts of Violence, Life Endangerment, Threats to its Chief, Council, Fellow Membership, Staff and Visitors while on the First Nation Property of the Band Office. This will include no protests of any kind, no riots, acts of vandalism and no blockades of any kind being conducted at the Band Office Property; not to impede traffic to and from the Band Office. The Band Office Property shall be deemed at two hundred feet south of the Water Treatment Plant, at two hundred feet north of the SouthEast College Building, at two hundred feet east of the Band Office to the main access road to the Band Office with the Band Office included. See Diagram Attached – Appendix A.

Whereas; That the Chief and Council has the mandate to exercise the above mentioned by-law as per Indian Act – August 1st, 2006 under Powers of Council – Section 81. (1) The council of a band may by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely,

- (a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;**
- (b) the regulation of traffic;**
- (c) the observances of law and order;**
- (d) the prevention of disorderly conduct and nuisances;**
- (e) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision of fees and charges for their services;**
- (f) the construction and maintenance of watercourses, roads, bridges, ditches, fences and local works;**
- (g) the dividing of the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone;**
- (h) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;**
- (i) the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to the allotments and the setting apart of reserve lands for common use, if authority therefor has been granted under section 60;**
- (j) the destruction and control of noxious weeds;**
- (k) the regulation of bee-keeping and poultry raising;**
- (l) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;**
- (m) the control or prohibition of public games, sports, races, athletic contests and other amusements;**
- (n) the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise;**
- (o) the preservation, protection and management of fur-bearing animals, fish and other game on the reserve;**
- (p) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;**
 - (p.1) the residence of band members and other persons on the reserve;**
 - (p.2) to provide for the rights of spouses or common law partners and children who reside with members of the band on the reserve with respect to any matter in relation to which the council may make by-laws in respect of members of the band;**
 - (p.3) to authorize the Minister to make payments out of capital or revenue moneys to persons whose names are deleted from the Band List of the band;**
 - (p.4) to bring subsection 10(3) or 64.1(2) into effect in respect of the band;**
- (q) with respect to any matters arising out of or ancillary to the exercise of powers under this section; and**

(r) the imposition of summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section.

Section 81 (2) Where any by-law of a band is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 81 (3) Where any by-law of a band passed is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by court action at the instance of the band council.

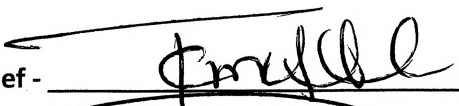
R.S., 1985, c. I-5, s. 81; R.S., 1985, c. 32 (1st Supp.), s. 15; 2000, c. 12, s. 152.

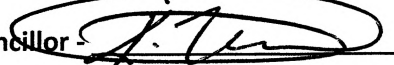
Therefore Be it Resolved that: Sections 81 (1) and subsections 81 (1) c and d are the means of this bylaw to maintain peace and harmony at the meeting place called the Pheasant Rump Nakota Band Office.

Further Be it Resolved that: The Pheasant Rump Nakota Band Office continue to be a place of business and safe place for its membership, staff, chief and councilors and to its visitors.


Further be it Resolved that any of the following being done at the band office and property with reference to acts of violence, life endangerment, threats, protests of any kind, riots, acts of vandalism, impeding traffic to and from the band office access points or blockades by anyone will be dealt with in accordance with the Criminal Code of Canada with the assistance of the RCMP – Royal Canadian Mounted Police; the RCMP will exercise their full duties to diffuse the said acts of violence, threats, protests, riots, acts of vandalism impeding traffic or blockades on the band office building or property.


Quorum: (3)

Chief - 

Councillor - 

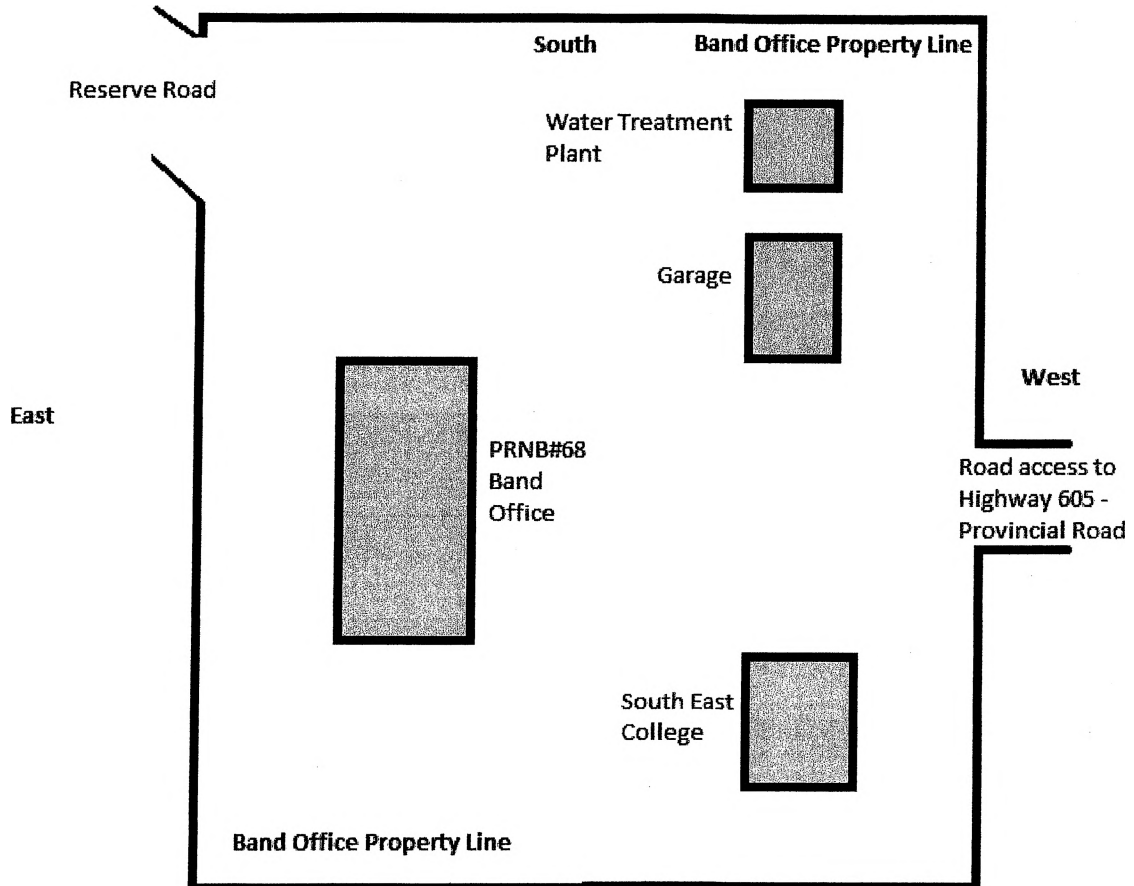
Councillor - Ruth Maynard

Councillor - 

Councillor - 

Appendix A

Pheasant Rump Nakota Band Office Property



Not to Scale

North