

# YELLOW QUILL BAND #90

Office of the Chief

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REÇU / RECEIVED

JAN 23 2012

Box 40  
Yellow Quill, SK S0A 3A0

Direction de l'Administration des Bandes  
Band Governance Directorate

## THE PRESERVATION OF CULTURE AND REMOVAL OF TRESPASSERS BY-LAW

By-law No. 2012-01-12-10  
of the Yellow Quill First Nation Band

### Being a By-law for the Preservation of Culture, Language, Values, Traditions, and Removal and Punishment of Persons Trespassing or Frequenting the Reserve for Prohibited Purposes

#### WHEREAS:

1. For the preservation of culture, language, values and traditions of Yellow Quill First Nation, the Council has been requested by the People of Yellow Quill First Nation to enact this By-law of Yellow Quill First Nation;
2. The Council of Yellow Quill First Nation Band desires to establish a By-law to provide for the preservation of culture, language, values and traditions, and the removal and punishment of persons trespassing or frequenting the Reserve for prohibited purposes;
3. The Council of Yellow Quill First Nation is recognized as having inherent rights of governance and is therefore empowered to make such laws and By-laws, and any matter ancillary thereto pursuant to paragraph 81(1)(c)(d)(p)(q) and (r) of the *Indian Act of Canada*; and
4. That Council of Yellow Quill First Nation deems to be expedient and necessary, for the benefit, comfort, and safety of the inhabitants of the Yellow Quill First Nation Indian 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 Yellow Quill First Nation Band hereby makes the following By-law:

### **Short Title**

1. This By-law may be cited as the "*Cultural Preservation and Removal of Trespassers By-law*".

### **Interpretation**

2. In this By-law, "*Council*" means the Chief and a Quorum of Council of the Yellow Quill First Nation Band as defined in the *Indian Act of Canada*:

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

"*Officer*" means any peace officer, 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 the security, law and order on the Reserve including a By-law enforcement officer appointed pursuant to this or other By-laws relating to Law and Order.

"*Reserve*" means the Reserve of the Yellow Quill First Nation Band and includes all the Band's Reserve lands.

"*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 activity which the Chief and a Quorum of Council deem by resolution to be contrary to the maintenance of the culture, language, values and traditions of the Saulteaux culture of Yellow Quill First Nation. Such activities including the following:
  - (a) hunting, fishing or trapping;
  - (b) hawking or peddling of wares or merchandise;
  - (c) loitering;
  - (d) soliciting financial assistance;
  - (e) conducting private meetings in outdoor forums or the Band Hall, except the administration offices, involving ten (10) persons or more which interfere with the peaceful enjoyment of neighbours and their homes;
  - (f) use of amplified sound systems which interfere with the peaceful enjoyment of neighbours and their homes;
  - (g) any activity which interferes with the grieving process of families in mourning during a period of wake including the funeral of deceased loved-ones and for a period of four (4) days thereafter; or
  - (h) any other activity which is contrary to the spirit and intent of this By-law.

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 member of Yellow Quill First Nation and a lawful resident of the Reserve unless they are a party to or participate with a person to conduct an activity for a prohibited purpose defined in section 3(1); or
  - (b) a person who, under a By-law or Resolution of the Chief and a Quorum of Council, holds in writing a valid licence or permit, in a form attached hereto as Schedule "1" to this By-law to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

### Removal of Offenders

4. (1) An officer or representative of Chief and Council 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 resists or interferes in any manner 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 to prosecution in a court of competent jurisdiction of the Province, Canada, or Yellow Quill First Nation on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty (30) days, or to both.

### Amendment

6. By-law No. 2012-01-12-10 enacted on the 12<sup>th</sup> day of January, 2012 and being a By-law to regulate the preservation of culture and the removal of people frequenting the Reserve for prohibited purposes, may be amended upon resolution at a duly convened meeting of the Chief with a Quorum of Council.

**THIS BY-LAW IS HEREBY MADE** at the duly convened meeting of the Band Council of Yellow Quill First Nation this 12<sup>th</sup> day of January, 2012. Voting in favour of the By-

law are the following members of the Chief and Council of Yellow Quill First Nation Band:

Larry Cachene  
Chief

Dana Poorman  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

\_\_\_\_\_  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

being the majority of those members of the Band Council of Yellow Quill First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Band Council is 5 members.

Number of members of the Band Council present at the meeting: 8

I, Larry Cachene Chief/Councillor of the Yellow Quill First Nation Band, do hereby certify that a true copy of the foregoing By-law was **mailed** to the Minister of Aboriginal Affairs and Northern Development Canada at the District/Regional/Gatineau office (as the case may be) pursuant to subsection 82(1) of the *Indian Act*, this 12<sup>th</sup> day of January, 2012.

[Signature]  
(Witness)

Larry Cachene  
(Chief/Councillor)

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## *SCHEDULE "1"*

### PERMIT/LICENCE SECTION 3(2)(b)

#### PRESERVATION OF CULTURE AND REMOVAL OF TRESPASSERS BY-LAW

1. GRANTED TO:

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2. PERMITTED ACTIVITY AND TERMS:

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3. DURATION OF PERMIT FROM \_\_\_\_\_ TO \_\_\_\_\_, 20\_\_ TO  
\_\_\_\_\_ TO \_\_\_\_\_, 20\_\_.

GRANTED with permission of the Chief and a Quorum of Council.

YELLOW QUILL FIRST NATION

Per: \_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

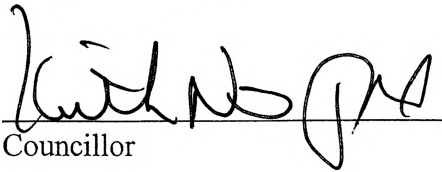
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Councillor

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Councillor

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Executive Director/By-law Officer