

**PAUL 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 Paul First Nation desires to establish a new 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 Paul First Nation is empowered to make such By-law, and any matter ancillary thereto pursuant to paragraphs 81 (1) (n), (p), (q) and (r) of the Indian Act;

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

AND WHEREAS nothing in this By-law shall deem to alter, diminish, derogate or abrogate Treaty Number 6, including the spirit and intent of our Treaty Rights and the inherent right as understood by the Elders of Treaty 6.

AND WHEREAS this By-law will repeal and replace By-law 8 – Trespass By-law passed on the 15th day of September, 1987;

NOW THEREFORE the Council of the Paul First Nation hereby makes the following By-law:

SHORT-TITLE

1. This By-law may be cited as the “Paul First Nation Removal of Trespassers and Persons Frequenting the Reserve for Prohibited Purposes By-law”.

INTERPRETATION

2. In this By-law:

“Council” means the Chief and Council of the Paul First Nation as defined in the Indian Act;

“Minister” means the Minister of Indian Affairs and Northern Development;

“Officer” means any police officer, police constable, or other person charged with the duty to preserve and maintain public peace;

“Reserve” means the Paul First Nation reserve no. 441;

TRESPASSING

3. (1) A person who enters onto the Paul First Nation reserve without lawful justification is a trespasser and shall have committed an offense contrary to this Bylaw.
- (2) Upon review of all relevant facts, Council shall determine who is a trespasser under this By-law.

FREQUENTING THE RESERVE FOR PROHIBITED PURPOSES

4. (1) A person, other than a person referred to in subsection (2), who conducts on the Reserve any of the following activities:
 - (a) hunting, fishing or trapping;
 - (b) hawking or peddling of wares or merchandise;
 - (c) loitering;
 - (d) panhandling;
 - (e) trafficking or using illegal substances;
 - (f) vagrancy; or
 - (g) public intoxication

shall have frequented the Reserve for a prohibited purpose and have committed an offense contrary to this Bylaw.

- (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 license to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

REMOVAL FROM THE RESERVE

5. Upon the direction of Council or an Officer:
 - (1) Any person who trespasses on the Reserve or who frequents the Reserve for a prohibited purpose may be ordered to leave the Reserve immediately and if they shall fail to do so, they shall have committed an offence contrary to this Bylaw.
 - (2) Any person commits an offense under Section 3.1, 4.1, or 5.1 commits an offence punishable on summary conviction and may be arrested in accordance with s. 495(2) of the Criminal Code.

PENALTY

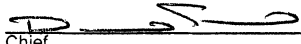
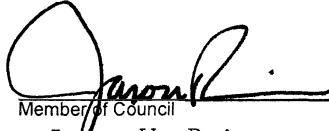


- 6. Any person who commits an offence under this Bylaw is subject to a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 30 days, or both for having committed an offence

SEVERABILITY

- 7. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest of the By-law shall not be affected.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Paul First Nation this 14 day of September, 2009.

Voting in favor of the By-law are the following members of Chief and Council:

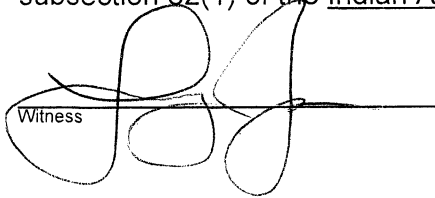
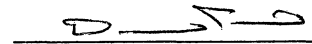
| | |
|--|--|
|  Chief Daniel Paul |  Member of Council Jason W. Rain |
|  Member of Council Siman D. House | _____ Member of Council |
|  Member of Council Dennis K. Bird | _____ Member of Council |

Being the majority of those members of the Council of the Paul First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 4.

I, Daniel Paul, Chief/Councilor of the Paul First Nation, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office pursuant to subsection 82(1) of the Indian Act, this 14, day of September, 2009.

| | |
|--|--|
|  Witness |  Chief/Councilor Daniel Paul |
|--|--|