

Schedule “A” to Band Council Resolution Number 2024-2025-148

PETER BALLANTYNE CREE NATION TRESPASS BY-LAW NO. 2025-03-25-01

PART 1 - INTERPRETATION

Title

1. This by-law may be cited as the *Peter Ballantyne Cree Nation Trespass By-law*.

Definitions

2. In this by-law:

“**Act**” means the *Indian Act*, R.S.C. 1985 and any regulations made under that Act, each as amended from time to time;

“**Council**” means the Chief and Council of the Peter Ballantyne Cree Nation;

“**Councillors**” means all members of Council, including the Chief, and “**Councillor**” means any single member of Council, including the Chief;

“**Council Resolution**” means a resolution of a quorum of Council passed at a duly convened Council meeting;

“**Member**” means a Person whose name appears or is entitled to appear on the PBCN Band Membership List;

“**Non-Member**” means a Person that is not a Member;

“**Occupant**” means:

- (a) a Person who is in physical and lawful possession of a Premises; or
- (b) a Person who has responsibility for and control over the conditions of a Premises or the activities carried on within that Premises, or control over Persons allowed to enter the Premises, even if there is more than one Occupant of the same Premises;

“**Officer**” means:

- (a) a PBCN Officer;
- (b) a RCMP or police officer; and
- (c) a peace officer appointed under applicable provincial or federal law;

“PBCN” means the Peter Ballantyne Cree Nation;

“PBCN Officer” means a Person designated by Council in accordance with section 13(1) to enforce this by-law;

“PBCN Offices” means PBCN’s central office and each PBCN community administrative office;

“Person” includes an individual, association, society, corporation or partnership;

“Premises” means lands on a Reserve lawfully held or occupied by a Person (including, for clarity, PBCN) for residential, commercial or other lawful purposes, whether via leasehold, life estate, residential tenancy, certificate of possession or other form of tenure, and includes the buildings, structures and vacant lands on or within such lands;

“Prohibition Order” has the meaning given to it in section 16(2);

“Prohibited Purposes” means any of the following activities conducted on a Reserve by any Person:

- (a) engaging in conduct which causes or may cause harm or damage, or potential harm or damage, to Persons or property on the Reserve;
- (b) engaging in an activity that constitutes an offence under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended from time to time;
- (c) engaging in an activity that constitutes an offence under the *Criminal Code*, R.S.C. 1985, c. C-46, as amended from time to time;
- (d) engaging in an activity that is prohibited by a by-law of PBCN including, for clarity, this by-law;
- (e) hunting, fishing, trapping or otherwise harvesting for sustenance purposes, except by Members who have the exclusive right to hunt, fish, trap and otherwise harvest for sustenance purposes on the Reserves;
- (f) harvesting for commercial purposes without lawful authority;
- (g) removing any natural resources without lawful authority;
- (h) hawking or peddling of wares or merchandise without authorization from Council;
- (i) disposing or dumping garbage or any other unauthorized goods, objects or substances without authorization from Council; or
- (h) engaging in any other prohibited or unauthorized activities under the *Indian Act* or other applicable law;

“Reserves” means:

- (a) any lands that comprise the reserves listed in Schedule “A”; and
- (b) any future lands which have been set apart as “reserves” within the meaning of the *Indian Act* for the use and benefit of PBCN and the Members,

and a **“Reserve”** means any of the Reserves, as the context requires;

“Trespass” means any act that constitutes trespass under the common law or the *Indian Act* and includes the following:

- (a) entering or remaining in or on a Premises without lawful authority or the permission of the Occupant;
- (b) entering or remaining on a Reserve without lawful authority or the permission of either an Occupant or Council;
- (c) entering or remaining on a Reserve for a Prohibited Purpose; and
- (d) entering or remaining in or on a Reserve or a Premises contrary to a Trespass Order or a Prohibition Order.

“Trespass Order” has the meaning given to it in section 14(1).

- 3. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neutral gender includes the masculine and the feminine.

PART 2 - APPLICATION

- 4. This by-law applies on all Reserves.

PART 3 - NO TRESPASSING

No Trespassing

- 5. No Person may Trespass on a Reserve or a Premises or any part thereof.

Presumption of Trespass

- 6. A Non-Member on the Reserve is presumed to be in Trespass until proven otherwise.

Non-Member Access

- 7. Subject to this by-law, a Non-Member will not be in Trespass if that Non-Member:

- (a) is invited onto a Reserve by a Member, provided that such Non-Member is accompanied by that Member while on the Reserve;
 - (b) has entered onto a Reserve on Council's written authorization or other lawful authorization, provided that such Non-Member is in compliance with such authorization and such authorization remains valid and in effect;
 - (c) has entered onto land within a Reserve designated for commercial uses, provided that such Non-Member is engaged in activities consistent with or related to such commercial uses;
 - (d) is authorized by federal or provincial law, by a Council Resolution or by a by-law of PBCN, provided that such Non-Member is in compliance with such law, resolution or by-law;
 - (e) is travelling on a public road on or through a Reserve;
 - (f) is participating in activities on a Reserve that are authorized by Council; or
 - (g) is an Officer in the course of their duties.
- 8.** Despite anything in section 7, a Non-Member may not access, enter or remain on a Reserve if such Non-Member is engaging in a Prohibited Purpose.
- 9.** For certainty, a Non-Member may not access, enter or remain on a Reserve if prohibited under this by-law, a Trespass Order, a Prohibition Order, or any applicable law.

Notice not to Trespass

- 10.** A Person has notice not to Trespass or not to engage in a specified activity on a Reserve or a Premises when that Person has been given notice in accordance with this by-law.
- 11.** A notice not to Trespass may be given:
- (a) verbally or in writing by Council or an Officer; or
 - (b) by means of a sign posted so that a sign is clearly visible under normal weather conditions from the approach to ordinary point of access to a Premises or an area of a Reserve to which it applies.
- 12.** For certainty:
- (a) a Person may be found guilty of an offence under this by-law; and
 - (b) a Person may be issued a Trespass Order or Prohibition Order,

in each case, regardless of whether notice not to Trespass or not to engage in a specified activity was given or received.

PART 4 - TRESPASS ORDERS

Officers

- 13.** (1) Council may, by Council Resolution, designate a Person as a PBCN Officer to enforce this by-law.
- (2) An Officer may enforce any provision of this by-law.

Trespass Orders

- 14.** (1) Subject to this section 14, an Officer may order a Person who the Officer reasonably believes is in Trespass:
- (a) to do or not to do anything on one or more Reserves or Premises that the Officer reasonably believes is necessary to bring the Person into compliance with this by-law; or
 - (b) to not enter or to immediately leave one or more Reserves and/or one or more Premises,
- (a “**Trespass Order**”).
- (2) A Trespass Order must be issued:
- (a) verbally to the affected Person, with details recorded in writing and retained by the Officer who issued the order; or
 - (b) in writing to the affected Person, with details recorded in writing and retained by the Officer who issued the Order and with a copy of the Order being offered to the affected Person.
- (3) A Trespass Order may not prohibit a Person from entering one or more Reserves for a defined period or on a permanent basis.
- (4) Notice of a Trespass Order to the affected Person is deemed to have been provided on the date the Trespass Order was issued to that Person verbally or in writing in accordance with subsection (2).
- (5) After the issuance of a Trespass Order under this by-law:
- (a) an Officer must provide a copy of the Trespass Order to Council;
 - (b) a copy of the Trespass Order, along with the written details referred to in subsection (2), must be made available at PBCN’s Offices and to the affected Person.

- (6) A Trespass Order becomes effective on the date it is issued under subsection (2).

PART 5 - INSPECTION

Inspection Powers

- 15.** (1) An Officer may stop a Person or vehicle, enter a vehicle or Premises, or inspect a vehicle or Premises to monitor or confirm compliance with a provision of this bylaw, a Trespass Order or Prohibition Order, or to determine whether a Person is in Trespass.
- (2) Before entering a vehicle or Premises to conduct an inspection in accordance with subsection (1), an Officer must take reasonable steps to notify the Occupant of the Premises or owner or occupant of the vehicle and to obtain their consent to enter.
- (3) Notwithstanding subsection (2), an Officer may conduct an inspection without providing notice if, in the reasonable opinion of the Officer:
- (a) providing notice would not be reasonably practicable in the circumstances;
or
 - (b) providing notice would frustrate the purpose of the inspection.
- (3) For the purpose of this section 15, notice is deemed to be provided once the steps referred to in subsection (2) have been completed.

PART 6 - PROHIBITION ORDERS

Prohibition of Entry to Person

- 16.** (1) For certainty, this Part 6 does not apply to Members.
- (2) Where:
- (a) a Non-Member has been ordered not to enter or to leave a Reserve or a Premises under a Trespass Order; or
 - (b) Council reasonably believes that a Non-Member is in Trespass;
- Council may, by Council Resolution, order that the Non-Member be prohibited from entering onto one or more Reserves or one or more Premises for a defined period or on a permanent basis in accordance with the terms of that order (a **“Prohibition Order”**).
- (3) In considering whether to issue a Prohibition Order, Council may, in Council’s absolute discretion, provide the Non-Member with an opportunity to be heard at, or prior to, Council meeting in which the Prohibition Order is being considered.

- (4) Council may include any terms to a Prohibition Order as Council deems appropriate, including, by prohibiting the entry of the affected Non-Member between certain hours or days, within certain places or limit the activities the Person may engage in on one or more Reserves or one or more Premises.
- (5) A Prohibition Order becomes effective on the date on which it is posted on PBCN's website.
- (6) Notice of a Prohibition Order must be provided to the affected Non-Member by one of the following methods:
 - (a) by providing a copy of the Order in writing:
 - (i) personally to the affected Non-Member;
 - (ii) by registered mail to the Non-Member's known dwelling;
 - (b) by posting a copy of the order on or at the Non-Member's known dwelling so that the order is clearly visible under normal conditions on or at such dwelling; or
 - (c) verbally, if after using reasonable efforts to provide notice in accordance with paragraphs (a) or (b), the Person directed to provide notice under subsection (7) is unable to provide notice using such method.
- (7) When making a Prohibition Order, Council must indicate the Person(s) that Council has authorized to provide notice of the order to the affected Non-Member under subsection (6).
- (8) A Prohibition Order:
 - (a) must be posted on PBCN's website; and
 - (b) must be made available at PBCN's Offices and to the affected Non-Member.
- (9) Notice of a Prohibition Order is deemed to have been provided to, and received by, an affected Non-Member on the following date, as applicable:
 - (a) the date a copy of the order was provided to the affected Non-Member in accordance with subsection (6)(a)(i);
 - (b) the date the registered mail with a copy of the order in accordance with subsection (6)(a)(ii) is received by the affected Non-Member or five (5) days after the date of mailing, whichever is earlier;
 - (c) the date a copy of the order was posted in or on the affected Non-Member's known dwelling in accordance with subsection (6)(b); and

- (d) the date notice of the order was provided verbally to the affected Non-Member under subsection (6)(c).
- (10) Council, at any time, may rescind or vary a Prohibition Order and must provide notice to the affected Non-Member in accordance with subsection (6) following any such change to the order.
- (11) Notwithstanding the terms of a Prohibition Order, Council must permit the affected Non-Member to re-enter the Reserve or a Premises, as applicable, to collect personal belongings under the supervision of an Officer or such other Person as designated by Council.

PART 7 - NOTICES

Notice

- 17. Despite anything in this by-law, substantial compliance with a notice requirement under this by-law constitutes sufficient notice to the affected Person.

Posting of Signs

- 18.
 - (1) A sign posted on a Reserve or a Premises for the purposes of this by-law must:
 - (a) bear the words “No Trespassing” or “Carrying on of [description of the activity] is prohibited within [description of the area]”; or
 - (b) name an activity with an oblique line drawn through the name or show a graphic representation of an activity with an oblique line drawn through the representation.
 - (2) A Person must not tear down, remove, damage, deface or in any way cover up a sign that has been lawfully posted under this by-law.
 - (3) For certainty, the posting of a sign, a fence or other enclosure in accordance with this by-law is sufficient notice not to Trespass or not to engage in a specified activity within a Reserve or a Premises or part thereof, as applicable.

PART 8 - APPEALS

Appeal

- 19.
 - (1) A Person who has received notice of a Prohibition Order or a Trespass Order may appeal to Council for such Order to be altered or rescinded.

- (2) A Person referred to in subsection (1) must file an appeal by providing a written request to Council within 5 days of the notice of such order being deemed to have been provided to that Person.
- (3) A request for appeal referred to in subsection (1) must:
 - (a) be in writing;
 - (b) be dated;
 - (c) set out the reasons for the request; and
 - (d) be signed by the Person to which the order applies.
- (4) Any such appeal must be heard by a quorum of Council and as soon as practicable after a request is made.
- (5) Despite such an appeal, the Trespass Order or the Prohibition Order continues in effect unless otherwise provided for in that order or this by-law.

PART 9 - ENFORCEMENT, OFFENCES AND PENALTIES

Enforcement

- 20.** (1) An Officer may take such reasonable measures as may be necessary to enforce this by-law, a Trespass Order or a Prohibition Order.
- (2) Without limiting subsection (1), where a Person is ordered to leave and/or not enter a Premises or a Reserve under a Trespass Order or a Prohibition Order, as applicable, and that Person fails or refuses to do so, an Officer may take such reasonable and lawful measures as may be necessary to remove the Person from the Reserve or the Premises.

Offence

- 21.** (1) A Person commits an offence if that Person:
 - (a) contravenes or violates any provisions of this by-law;
 - (b) allows any act or thing to be done in contravention of this by-law;
 - (c) fails or neglects to do anything required to be done by this by-law, including a Prohibition Order or a Trespass Order;
 - (d) interferes with or obstructs Council, a Councillor or an Officer who is exercising their powers under this by-law;

- (e) fails to comply with a Prohibition Order or a Trespass Order;
 - (f) knowingly assist a Person to commit Trespass;
 - (g) knowingly assist a Person who is in Trespass to reside on, be present on or undertake a Prohibited Purpose on, the Reserve, including by purporting to give permission to that Person to commit such Trespass; or
 - (h) knowingly tears down, removes, damages or deface or in any way cover up a sign that has been lawfully posted under this by-law.
- (2) Each day an offence is committed by a Person under subsection (1) will be deemed to be a separate offence for which a fine or imprisonment may be imposed.
 - (3) Upon being convicted of an offence under this by-law, a Person shall be liable on a summary conviction to a fine not exceeding fifty dollars (\$50.00) or imprisonment for a term not exceeding one (1) month, or to both.
 - (4) In addition to any penalties under this Part 9, Council may apply to a court of competent jurisdiction for an order prohibiting the continuation or repetition of the offence.
 - (5) The offences created by this by-law are in addition to, and do not replace, any applicable provincial or federal offences.
 - (6) Nothing in this by-law extinguishes the right of a Person, including Council, on behalf of PBCN, to bring a civil action for damages arising out of a Trespass on a Reserve, and all civil remedies for trespass are preserved.

PART 10 - OTHER

Form Irregularity

- 22.** A notice provided, or a Prohibition Order or Trespass Order made, under this by-law is not invalid or is not ineffective because of any defect in form or any technical irregularity.

Disclosing Identifying Information

- 23.** (1) Persons who are subject to Trespass Orders or Prohibition Orders may be identified by name, picture, or other means and such identifying information may be communicated publicly for the purposes of enforcing such orders.
- (2) For greater certainty, Persons who cannot be named may be subject to a Trespass Order or a Prohibition Order.

No Liability

- 24.** No liabilities lie, and no action or proceeding may be brought, against PBCN, Council, a Councillor, an employee, contractor, representative or agent of PBCN, or an Officer:
- (a) for any act or failure to act in relation to this by-law;
 - (b) for anything said or done or omitted to be said or done by any such Person in the performance or intended performance of that Person's duty under this by-law;
 - (c) in relation to the exercise of the Person's authority under this by-law, including providing advice, making recommendations, or the failure to provide advice or make a recommendation under this by-law; and
 - (d) for any alleged negligence or default in the performance or intended performance of such Person's duty or the exercise of such Person's authority under this by-law.

Other Laws

- 25.** Compliance with this by-law shall not relieve a Person from having to comply with the requirements of any other applicable law.

Severability

- 26.** If a court of competent jurisdiction determines that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the remaining provisions of this by-law shall remain in full force or effect.

Fees and Forms

- 27.** Council may, by Council Resolution, establish forms, policies, protocols or other related documentation to support and implement this by-law.

Amendments

- 28.** Council may adopt any amendment to this by-law by Council Resolution at a duly convened meeting.

Enactment

- 29.** By Council Resolution 2024-2025-148, this by-law has been enacted at a duly convened meeting of Council of PBCN this 25th day of March, 2025.

30. This by-law has come into force on 1st of April, 2025.

SCHEDULE A

RESERVES

1. Amisk Lake Indian Reserve 184
2. Amiskosakahikan Indian Reserve No. 210
3. Birch Portage Indian Reserve No. 184A
4. Chief Joseph Custer Reserve
5. Chief Philip Morin Indian Reserve No. 232
6. Denare Beach Indian Settlement
7. Deschambault Lake Indian Settlement
8. Kimosom Pwatinahk Indian Reserve No. 203
9. Kinoosao-Thomas Clarke Indian Reserve No. 204
10. Kipahigan Sakahikan Indian Reserve No. 222
11. Kiskaciwan Indian Reserve No. 208
12. Kistapinan Indian Reserve No. 211
13. Kistapinanihk Indian Reserve No. 231
14. Manawanstawayak Indian Reserve No. 230
15. Maskikopawiscikosik Indian Reserve No. 229
16. McKay Indian Reserve No. 209
17. Mirond Lake Indian Reserve No. 184 E
18. Mistahi Wasahk Indian Reserve No. 209
19. Mistik
20. Muskwaminiwatim Indian Reserve No. 225
21. Nakiskatowaneek Indian Reserve No. 227
22. Nemekus Sakahikan Indian Reserve No. 221
23. Northern Light Indian Reserve No. 220
24. Pelican Narrows Indian Reserve No. 184B
25. Pelican Narrows Indian Reserve No. 206
26. Pisiwiminiwatim Indian Reserve No. 207
27. Sandy Bay Indian Settlement
28. Sandy Narrows 184C
29. Sokatisewin Sakahikan Indian Reserve No. 224
30. Southend Indian Reserve No. 200
31. Southend Indian Reserve No. 200A

32. Sturgeon Weir Indian Reserve No. 184F
33. Sturgeon Weir Indian Reserve No. 205
34. Thomas Morin Indian Reserve
35. Wapaskokimaw Indian Reserve No. 202
36. Waskwaynikapik Indian Reserve No. 228
37. Waskwiatik Sakahikan Indian Reserve No. 223
38. Woody Lake Indian Reserve No. 184D



BAND COUNCIL RESOLUTION

Chronological number
PBCN 2024-2025-148
File reference number :

The council of the PETER BALLANTYNE CREE NATION		Cash free balance
Date of duly convened meeting (YYYYMMDD) 2025/03/25		Capital account
Province Saskatchewan	Revenue Account	

DO HEREBY RESOLVE:

CONSIDERING THAT the reserves of Peter Ballantyne Cree Nation ("PBCN") are reserve lands set aside for the exclusive use, occupation and benefit by PBCN members;

CONSIDERING THAT the Chief and Council of PBCN may make by-laws regarding the prevention of disorderly conduct and nuisances, the removal and punishment of persons trespassing on PBCN's reserves or frequenting the reserves for prohibited purposes and the residence of PBCN members under section 81(1)(p), (p.1), (q) and (r) of the *Indian Act*;

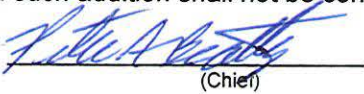
CONSIDERING THAT the Chief and Council of PBCN has considered the *Trespass and Prohibited Activities By-law* attached as Schedule "A" to this Band Council Resolution (the "**By-law**") and has deemed it expedient and necessary for the peace, safety and good governance of PBCN, its members and the reserves to establish the By-law;

BE IT RESOLVE THAT the By-law, being By-law Number **2024-2025-148**, is hereby enacted under PBCN's jurisdiction under the *Indian Act*;

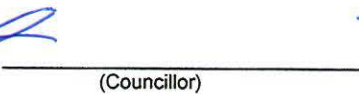
FURTHER RESOLVED THAT the By-law will come into force on the day on which it is first published on PBCN's website or in the *First Nations Gazette*, whichever comes first (the "**Effective Date**"); and

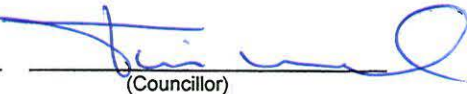
FURTHER RESOLVED THAT the Director of Lands and Resources of PBCN may add the Effective Date to section 29 and 30 of the By-law without further authorization from Council and such addition shall not be considered an amendment to the By-law.

Quorum ____ 8 ____


(Chief)

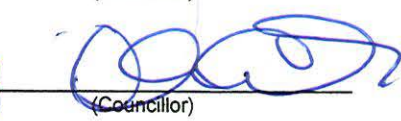

(Councillor)


(Councillor)

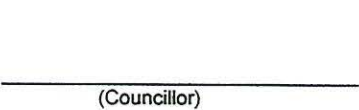

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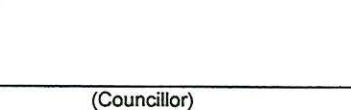

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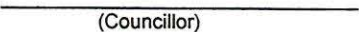

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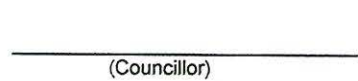

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FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Expenditure	Authority (Indian Act Section)	Source of funds	Expenditure	Authority (Indian Act Section)	Source of funds
Recommending officer -			Recommending officer		
Approving officer			Approving officer		