



ENOCH CREE NATION

AMENDED AND RESTATED BYLAW #2003-800-L FOR THE REMOVAL AND PUNISHMENT OF PERSONS TRESPASSING OR FREQUENTING THE RESERVE FOR PROHIBITED PURPOSES

Preamble

Since time immemorial, the Maskêkosihk (Enoch Cree Nation) have lived upon these lands, guided by the sacred laws of the Creator. These laws are spiritual in nature, passed down through generations in our oral histories and Creation Stories. They govern how we live, how we care for one another, and how we uphold our responsibilities to Creation.

Our children are sacred gifts to their parents from the Spirit World before entering this realm. They are borrowed from the Creator, entrusted to us with the highest duty of protection, nurturing, and guidance. Their well-being must remain at the center of all that we do as a Nation, for in them lies the future of our people.

When Treaty was made, it was through ceremony that our Okihcitâwiskwêwak (Clan Mothers/Warrior Women) instructed our men on how to negotiate, ensuring that our agreements would reflect the needs and responsibilities of our people. Our women are life givers, carrying the sacred responsibility of bringing new generations into the world. They have always played an essential role in our governance through the Okihcitâwiskwêwak, who provided spiritual direction and raised children and youth to become the leaders who govern the Nation.

Our Kêhtê-ayak (Elders), carrying generations of knowledge and a deep spiritual connection, have always been central to our governance, serving as mentors, advisors and decision-makers. Their key role as educators was passing down the knowledge and experience needed for the Nation to survive, and to pass down the ceremonies given to us from the Creator.

Our Okihcitâwak (Warrior Societies) have always stood as providers and protectors, reinforcing the roles of our men and ensuring the safety and strength of our people by defending our homes, and upholding the responsibilities given to us by the Creator.

These sacred roles and governing structures have been disrupted by colonial policies such as the Indian Act, which sought to dismantle our way of life and replace it with an ineffective governance model. These policies have harmed our families, removed our children, and attempted to erase our identity as Nêhiyawak (Plains-Cree People). However, our laws, our governance, and our responsibilities have never been extinguished. They live within our language, our land, our teachings, our ceremonies, and our people.

Our ceremonies—our Sun Dances and other sacred, closed practices—provide us with the guidance to uphold our responsibilities as leaders, caretakers, and protectors. Our true governance is a way of life, deeply rooted in the land, the wisdom of our Elders, and the spiritual guidance we receive through ceremony.

If we, as the Enoch Cree Nation, are to fully restore the true governance of our ancestors, we must return to our traditional governing systems. We must restore our Okihcitâwiskwêwak, uphold the wisdom of our Kêhtê-ayak, and strengthen our Okihcitâwak. We must return to our ceremonies, remembering that our laws come from the Creator.

Our path forward is to reclaim our rightful place as a self-determined Nation, governing as we always have—through family, ceremony, and the balance of Creation.

DECLARATION OF SOVEREIGNTY

The Enoch Cree Nation asserts its Inherent right to govern our people a right that was granted to us by the Creator since time immemorial, long before the existence of Canada or its provinces or territories; Our Inherent rights have never been extinguished, ceded, nor surrendered, and remain intact through our sacred responsibilities to the Creator, to our lands, and to our people;

Enoch Cree Nation is a proud signatory to Treaty No. 6, affirming our sovereign relationship with the Crown, and upholding the sacred covenants established to ensure our survival, prosperity, and self-determination; Our Treaty was made through the sacred Pipe, which represents our relationship with the Creator, and the spiritual laws we are bound to uphold.

The government of Canada and its provinces sought to destroy our families through genocidal policies such as the Indian Act, the Indian Residential School System, the Reserve Pass System, the Sixties Scoop, and the modern child welfare system, and the Canadian legal system; These deliberate and systemic acts of interference have inflicted immeasurable harm upon our people, yet our resilience and determination remain unbroken.

The answer to restoring the sovereign nationhood of Enoch Cree Nation lies in rebuilding our home fires - returning our families to their rightful place at the heart of our governance and rebuilding our own traditional governing systems and law-making authority.

Through the creation of our own laws, empowered by our Inherent rights, Treaty Rights and Aboriginal Rights and guided by our traditional laws and governance, Enoch Cree Nation will ensure that no child or family of our Nation is ever again harmed, removed, or interfered with by any foreign government or external authority.

This Declaration of Sovereignty underscores our divine responsibility to uphold our Inherent rights through the establishment of our own Constitution aligned with our sacred Pipe Laws that govern us. Guided by our ceremonies we affirm that our sovereignty must be asserted through the development of our own laws and legislation in every sector.

Our Nation stands united and unwavering in the assertion of our sovereignty, for as long as the sun shines, the grass grows, and the rivers flow.

Our Inherent Rights include, but are not limited to:

1. **The Right to Self-Governance** – The Enoch Cree Nation has the exclusive right to govern ourselves in accordance with our laws, customs, and traditions.
2. **The Right to Self-Determination** – We alone define our political, economic, social, and cultural structures and institutions.
3. **The Right to our Lands and Territories** – Our lands, waters, and natural resources are our birthright, and we retain full jurisdiction, possession and control over them.
4. **The Right to Law-Making and Justice** – We restore and enforce our own laws based on our traditional governance systems and our inherent authority.
5. **The Right to Economic Sovereignty** – We have the freedom to develop, regulate, and sustain our own economies for the benefit of our people.
6. **The Right to Cultural and Spiritual Well-Being** – Our language, ceremonies, and sacred knowledge are protected and preserved for future generations.
7. **The Right to Education and Knowledge** – We determine how our knowledge is passed down, ensuring our future generations remain strong in their spiritual identity.
8. **The Right to International Relationships** – We choose how we engage with other Nations, governments, and international bodies.
9. **The Right to Protect and Care for Our People** – Our governance prioritizes the health, safety, and well-being of our people, including our children, Elders, and future generations.

These Inherent Rights are not privileges given by any foreign government; however, they are recognized through the United Nations Declaration on the Rights of Indigenous Peoples and Section 35 of the Constitution Act 1982 and further affirmed through our Nation-to-Nation Treaty relationship.

Our Inherent Rights were never up for negotiation during Treaty-making and remain fully intact. Any government action that seeks to limit or regulate our Inherent Rights without our free, prior, and informed consent is an infringement on our sovereignty.

This **Declaration of Sovereignty** stands as an affirmation of our Nation's historic continuity, authority, and independence. We are the rightful stewards of our lands and people, and we will continue to assert our sovereignty for the benefit of all generations to come.

Enoch Cree Nation, Sovereign and Free – Then, Now and Forever.

WHEREAS section 81(1) of the *Indian Act* empowers the Council to pass Bylaws to provide for the safety, health and welfare of residents, the protection of property and the observance of law and order on a Reserve, the removal and punishment of Persons trespassing on the reserve or frequenting the reserve for prohibited purposes, in addition to, matters arising out of or ancillary to the exercise of powers under section 81(1) of the *Indian Act*;

AND WHEREAS Pursuant to Treaty No. 6 and to their inherent rights, Enoch Cree Nation possesses a right to self-determination, which has been recognized and affirmed by the Crown.

AND WHEREAS Making Bylaws, amending Bylaws, setting standards with respect to matters relating to a safe community such as nuisances to people, property, inappropriate behaviors, disturbing the peace of an individual, vehicle parking restrictions, is an exercise of Enoch's inherent right of Self-Government;

AND WHEREAS Nothing in this Bylaw shall be construed so as to abrogate or derogate from the Aboriginal and Treaty rights of the Enoch Cree Nation;

AND WHEREAS the Council of Enoch Cree Nation deems it desirable to amend and enact the Amended and Restated Bylaw # 2003-800-L, being a Bylaw for the Removal and Punishment of Persons Trespassing or Frequenting the Reserve for Prohibited Purposes.

THEREFORE, the council of Enoch Cree Nation, duly assembled, hereby enacts the Amended and Restated Bylaw #2003-800-L for Removal and Punishment of Persons Trespassing or Frequenting the Reserve for Prohibited Purposes as follows:

SHORT TITLE

1. This Bylaw may be cited as the *"Enoch Cree Nation Amended and Restated Bylaw for the Removal and Punishment of Persons Trespassing or Frequenting the Reserve for Prohibited Purposes"*

INTERPRETATION

2. In this Bylaw:

"Council" means the Council of the Enoch Cree Nation as defined in the Indian Act.

"Bylaw Enforcement Officer" means any Bylaw officer appointed as such by Council and who, in the execution of their duties, is a Person employed for the preservation and maintenance of the public peace.

"Compliance Order" means a written order issued by a Bylaw Enforcement Officer or Peace Officer requiring a Person to remedy a contravention. The written order may:

- a) direct a Person to stop doing something, or to change the way in which the person is doing it;

- b) direct a Person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- c) state a time within which the Person must comply with the directions;
- d) state that if the Person does not comply with the directions within a specified time, the Nation will take the action or measure at the expense of the Person.

“Illegal Substances” means any substances listed in *Schedule 1 of the Controlled Drugs and Substances Act, SC 1996, c. 19*, and includes, but not limited to, Cocaine, Codeine, Crack, Crystal Methamphetamine(s), Fentanyl, GHB, Heroin, LSD (Acid) MDMA, Morphine, Opium, Oxycodone, PCP (Angel Dust) Psilocybin, Psilocin (Magic Mushrooms), Pills, etc.

“Minister” means the Minister of Indian and Northern Development.

“Motor Vehicle” means:

- a) a vehicle propelled by any power other than muscular power, or
- b) a moped,

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.

“Nation” means Enoch Cree Nation.

“Peace Officer” means a Person appointed as a Peace Officer for the Nation pursuant to section 7 of the *Peace Officer Act, SA 2006 c. P-3.5* and as per the *Bylaw Enforcement Officer and Peace Officer Bylaw #2024-100-EOPO (Eagle Feather)*.

“Person” includes any individual, corporation, society, association, partnership, or other similar legal entity.

“Provincial Offences Procedure Act” means the *Provincial Offences Procedure Act, RSA 2000, C.P-34* as amended or appealed and replaced from time to time.

“Reserve” means the Enoch Cree Nation reserve (also known as the Stony Plain Indian Reserve no. 135 and also 135A).

“Trespass” means the entry onto, or the presence on, the reserve by a Person without lawful justification.

“Undesirable Activity” means, but not limited to, any action or behavior that is considered unacceptable, harmful, or unwanted including the use of a motor vehicle.

“Violation Tag” means a Nation issued tag whereby the Person alleged to have committed a breach of a provision of a Bylaw is given the opportunity to pay a voluntary penalty to the Nation in lieu of prosecution for an offence.

“Violation Ticket” means a violation ticket, pursuant to a Part 2 Provincial Court summons or a Part 3 offence notice, as defined in the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*.

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) panhandling,
 - e) trafficking, intent to traffic or suspicion of trafficking, or possession of Illegal Substances,
 - f) unauthorized dumping of any debris without written authorization, or
 - g) any undesirable activity that puts public safety or the Nation's Reserve Lands at risk,

shall be deemed to be frequenting the Reserve for a prohibited purpose.
- (2) Subsection (1)(a) does not apply to:
 - a) a Person who is a lawful resident of the Reserve; or
 - b) a Person who, under a Bylaw of the Council, holds a valid license to conduct any activity referred to therein or is otherwise permitted to conduct that activity.
4. (1) A Peace 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, a Peace Officer may take such reasonable measures as may be necessary to remove the Person from the Reserve.

- (3) No Person shall fail or refuse to comply with an order or Compliance Order made under subsection (1) to leave the reserve or shall resist or interfere with a Peace Officer acting under subsection (2).

SEVERABILITY

5. (1) If any provision of this Bylaw or any parts, amended parts, thereof are found by a Court of competent jurisdiction to be illegal or beyond the power of the Council to enact, such provision or parts thereof shall be deemed to be severable and all other provisions or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.
- (2) This Bylaw shall come into force and effect upon the adoption by the Council and the publishing of the Bylaw in the First Nations Gazette, pursuant to the requirements of the *Indian Act*, as amended from time to time.

PENALTY

6. Any Person who contravenes this Bylaw is guilty of an offence.

ENFORCEMENT

Continuing Offence

7. (1) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established in this Bylaw for each such day.

Owner Liable

- (2) In this section "Owner" includes:
- a) any Person registered as an Owner at the motor vehicle registry,
 - b) if a vehicle is involved in an offence under this Bylaw, the registered owner of that vehicle is guilty of that offence,
 - c) this section does not apply if the Owner of the vehicle satisfies the Court that, at the time that the vehicle was involved in the offence:
 - i) the Owner of the vehicle was not driving or did not park the vehicle, and
 - ii) no other Person was driving or parked the vehicle with the Owner's express or implied consent,

- d) an Owner who is guilty of an offence by operation of this section is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

Vicarious Liability

- (3) For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of employment with the Person, or during the agent exercising the powers of or performing duties on behalf of the Person under their agency relationship.

Corporations and Partnerships

- (4) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether the corporation has been prosecuted for the offence or not.
- (5) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Removal of Vehicles

- (6) A Peace Officer is hereby authorized to remove or cause any vehicle to be removed:
 - a) parked in contravention of any provision of this Bylaw or any other Bylaw of the Nation; or
 - b) where emergency conditions may require such removal from a highway or road.
- (7) Any vehicle removed under this section shall remain impounded by the towing firm until claimed by the owner.
- (8) No impounded vehicle shall be released to its owner until all impounding charges have been paid to the towing firm; these charges shall be in addition to any fine or penalty imposed in respect of the said violation.

Fines and Penalties

- (9) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in “**Schedule A**” attached to and forming part of this Bylaw, or to imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment.
 - a) A Person who is guilty of an offence may be referred to an alternative measures program such as mandatory attendance to a sharing circle or another program the Restorative Justice department deems necessary, including but not limited to, counseling or other treatment programs, in lieu of a fine.

Violation Tags and Violation Tickets

- (10) Any Peace Officer who has reasonable and probable grounds to believe that any Person has contravened any provision of this Bylaw, may issue, and serve:
 - a) a Violation Tag allowing payment of the specified penalty to the Nation; or
 - b) a Violation Ticket in accordance to the provisions of the *Provincial Offences Procedures Act, RSA 2000 cP-24*.
- (11) Service of a Violation Tag or Violation Ticket will be sufficient if it is:
 - a) personally served,
 - b) served by regular mail or registered mail to the Person or registered owner of the vehicle’s last known mailing address,
 - c) attached to or left upon the vehicle in respect of which the offence is alleged to have been committed: or
 - i) Notwithstanding subsection 7.11(c) above, a Violation Ticket may not be attached to or left upon a vehicle and must be served in accordance with the *Provincial Offences Procedures Act, RSA 2000 cP-24*.
 - d) left for the Person charged at their place of residence with an occupant thereof who appears to be at least eighteen (18) years of age or older.
- (12) If a Violation Ticket is issued in respect to an offence, the violation ticket may:
 - a) specify the fine amount established by this Bylaw for the offence; or

- b) require a Person to appear in Court without the alternative of making a voluntary payment.
- (13) A Person who commits an offence may:
- a) if a Violation Tag is issued in respect of the offence and it specifies the fine amount established by this Bylaw for the offence;
 - i) in lieu of being prosecuted for the offence, pay the Nation the penalty specified on the Violation Tag,
 - b) if a Violation Ticket is issued in respect of the offence and it specifies the fine amount established by this Bylaw for the offence;
 - i) make a voluntary payment equal to the specified fine as instructed in the violation ticket.

Obstruction

- (14) No Person shall obstruct or hinder any Bylaw Enforcement Officer, Peace Officer, or Person in the execution or performance of their duties pursuant to this Bylaw.

Compliance Orders

- (15) If a Bylaw Enforcement Officer or Peace Officer believes on reasonable grounds, that a Person is contravening any provision of this Bylaw, they may by written order, require any Person responsible for the contravention to remedy it.
- (16) A Person named in and served with a written order issued pursuant to this Bylaw shall comply with all action(s) or measure(s) required to be taken within the time specified.
- (17) A written order issued pursuant to this Bylaw may be served:
- a) personally, to the individual,
 - b) by posting it on the property for the individual or leaving it for the individual at their apparent place of residence with someone who appears to be eighteen (18) years of age or older; or,
 - c) by regular mail or registered mail addressed to the individual at their apparent place of residence or at any address for the individual on the Band Membership List or at the Land Titles registry or Band Administration Office; and,
 - d) In the case of a corporation:
 - i) by delivering it personally to any director or officer of the corporation,


- ii) by posting in on the property for a Person or the corporation or delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or,
 - iii) by regular mail or registered mail addressed to the registered office of the corporation.
- (18) A Peace Officer may issue trespasser(s) restrictions, conditions in writing by way of an undertaking or other form of written notice that may include, but not limited to, being banned from the Reserve Lands of Enoch Cree Nation.

AMENDMENT


- 8.
 - (1) This Bylaw may be amended by Administration without a motion consensus or Band Council Resolution. Amendments may include, but are not limited to, the inclusion of a Preamble specific to the needs of Enoch Cree Nation, definitions, translating the Bylaw into the Cree language and formatting the Bylaw without changing any context of the Bylaw.
 - (2) Any amendments will come into force on the date of publishing of the amendment in the First Nations Gazette, pursuant to the requirements of the *Indian Act Amendment and Replacement Act, SC 2014, c. 38*, as amended from time to time.

9. EFFECTIVE DATE

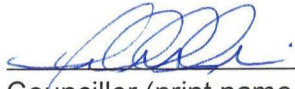
This **Amended and Restated Bylaw #2003-800-L** is hereby passed at a duly convened meeting of the Council of the Enoch Cree Nation this 17th day of September, 20 25.



Chief (Print name under signature)
Cory




Councillor (print name under signature)
Jacod Morin




Councillor (print name under signature)
Amberly Morin

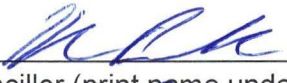
Councillor (print name under signature)



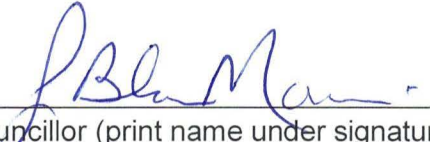
Councillor (print name under signature)
Scarlett Papin



Councillor (print name under signature)
Charlton Thomas



Councillor (print name under signature)
Kyle Peacock



Councillor (print name under signature)
JOHN BLAIR MORIN



Councillor (print name under signature)
Jerome B. Morin

Councillor (print name under signature)

Councillor (print name under signature)

Trespassing Bylaw Schedule "A" - Specified Penalties			
		1st	2nd & Sub.
Section	Description of Offence	Offence	Offences
Prohibited Purposes			
3(1)	Frequent the Reserve for a Prohibited Purpose	1000	Court
4(2)	Trespassing/Fail/Refuse to Leave Upon Request	1000	Court
4(3)	Fail/Refuse to Comply with an Order to Leave/Resist/Interfere with a Peace Officer	1000	Court
Enforcement			
7(14)	Obstruct/Hinder/Provide False Info to Bylaw/Peace Officer	1000	Court
7(16)	Fail to Comply with a Compliance Order	500	1000