

Pikangikum First Nation

P.O. Box 323

Pikangikum, ON POV 2L0

Tel No.: 807-773-5578 / 773-5588

Fax No.: 807-773-5324

BY-LAW NO. 2010/001 Of Pikangikum First Nation

By-Law for the Prevention of Disorderly Conduct

WHEREAS the Band Council of Pikangikum First Nation desires to make a by-law governing the prevention of disorderly conduct, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and for the imposition of a penalty for a violation thereof;

AND WHEREAS the Band Council of Pikangikum First Nation is empowered to make such by-law pursuant to paragraphs 81 (1), (c), (d), (q) and (r) of the Indian Act;

AND WHEREAS sections 81(2) and 81(3) of the Indian Act provide for the prevention of, restraining of, the continuation of any contravention of any by-law of a Band;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of Pikangikum First Nation to provide for the prevention of disorderly conduct on the reserve;

NOW THEREFORE the Band Council of Pikangikum First Nation hereby makes the following by-laws:

TITLE

1. This by-law shall be cited as the "Pikangikum Disorderly Conduct By-Law".

Interpretation

2. In this by-law,

"Band" means the Pikangikum First Nation;

"Band Member" means any treaty Indian registered as a member of Pikangikum First Nation in accordance with the Registrar of Indian Status and membership which is prescribed by Treaty and maintained by the Crown as represented by the Government of Canada and/or as may be established and maintained by the Pikangikum First Nation from time to time;

"Council" means the Band Council of Pikangikum First Nation;

"Disorderly Conduct" means any act or behavior, including

- (a) Fighting
- (b) Making or causing unreasonable noise;
- (c) Using abusive language;
- (d) Using offensive or indecent gestures or displays;
- (e) Being intoxicated in public;
- (f) Loitering
- (g) Exposing, firing, or discharging any gun, pistol or other firearm, or using or threaten to use any other article as a weapon on public property; or
- (h) Interfering in any manner with the orderly conduct of administrative, education, recreational, health care, religious or ceremonial activities on the reserve,
- (i) Vandalism;
- (j) Arson
- (k) Theft
- (l) Bootlegging; and
- (m) Uttering threats and uttering death
- (n) Uttering threats through walkie talkies;

That disrupts public order on the reserve, scandalizes the community, or cause public inconvenience, annoying or alarm;

"Non-Band Member" means any individual(s) not registered in the Pikangikum Band List;

"Officer" means any Law Enforcement Officer and includes;

- (a) Peacekeeper (By-Law Enforcement Officer)
- (b) First Nations Police Constables
- (c) Ontario Provincial Police;
- (d) Chief, Deputy Chief and Councillors; and
- (e) Other persons appointed by Council

Charges with the duty to preserve and maintain the public peace and order on the reserve;

"Person" includes a corporation;

"Public property" means and includes any building, bridge, residence or the facilities and equipment located therein, and any land, body of water, structure, premises, or equipment of whatsoever nature belonging to Pikangikum First Nation or maintained by the Council or any of its staff or committees on behalf of the Band members of Pikangikum First Nation;

"Reserve" means the reserve of Pikangikum First Nation No. 208.

Disorderly Conduct

3(1) everyone who commits and acts of disorderly conduct is guilty of an offence.

(2) No person shall remove, deface, destroy, damage, mutilate, or in any manner whatsoever vandalize public property on the reserve or attempt to vandalize such property.

- (3) No person shall willfully interrupt, or disquiet by profane discourse, by rude or indecent behavior, by the making noise of noise, or in any manner whatsoever disturb the order of solemnity of;
- (i) Any meeting of Council;
 - (ii) Any religious festival;
 - (iii) Any assemblage of Band members met for the consideration and interest of matters of public interest, or
 - (iv) Any assemblage on the reserve held for any lawful purpose.
- (4) No person shall expectorate on the floor or on any other part of a public building or property.
- (5) An officer may order any person who is engaging in any disorderly conduct to stop such conduct immediately.

Enforcement

4(1) Where a person who has been ordered to stop engaging in disorderly conduct, fails or refuses to comply with the order, an officer may take such a reasonable measures as are necessary to stop the disorderly conduct.

- (2) A person who fails or refuses to comply with an order made under subsection 3, or who resist or interferes with an officer acting under subsection 4 (1), commits an offence.
- (3) Where under section 81(2) of the "Indian Act", this by-law is contravened and a conviction entered, a court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (4) Where under section 81 (3) of the "Indian Act" this by-law is contravened, such contravention may be restrained by court action to prevent the continuation of disorderly conduct with the territory of Pikangikum First Nation.

- (5) Where a non-band member fails or refuses to comply and contravenes any section of this By-Law, such individual shall be evicted/removed from the territory.

Penalty

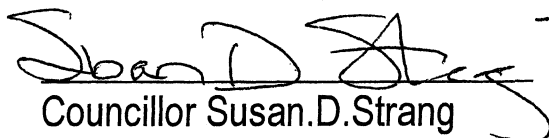
5. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty days, or to both
6. The Chief and Council reserve the right to revisit this issue and amend the by-law at a regularly convened Chief and Council meeting of Pikangikum First Nation.

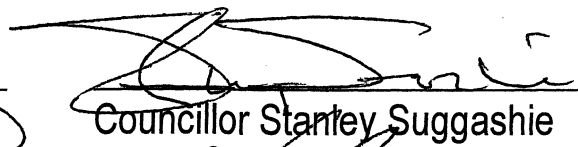
This by-law is hereby made at a duly convened meeting of the Council of Pikangikum First Nation this 11th day of February 2010.

Legal Quorum of the Council is seven (7) members.


Chief Jonah Strang


Deputy Chief Lyle Keeper


Councillor Susan D. Strang

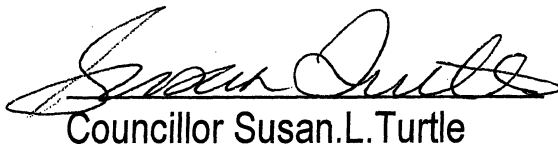

Councillor Stanley Suggashie

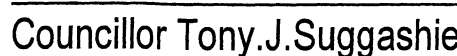

Councillor Dixie Suggashie


Councillor Charlie Pascal


Councillor Buster Kurahara


Councillor Hilda Quill


Councillor Susan L. Turtle


Councillor Tony J. Suggashie