

PIAPOT FIRST NATION REMOVAL OF TRESPASSERS BY-LAW

**By-law No. 04-05-001
of the Piapot First Nation
Being a By-law for the Removal and Punishment of Persons
Trespassing or Frequenting the Reserve or Causing Action for
Prohibited purposes**

WHEREAS the Council of the Piapot First Nation desires to establish a by-law to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes or actions outside of the reserve by a person(s) affecting land on the reserve;

AND WHEREAS the Council of the Piapot First Nation has the inherent right to make laws to protect and preserve the First Nation's jurisdiction for Piapot First Nation Members;

AND WHEREAS the Piapot First Nation is signatory to Treaty No. Four;

AND WHEREAS the Council of the Piapot First Nation is empowered to make such by-law, and any matter ancillary thereto pursuant to inherent and Treaty rights and section(s) 81 (1), (a), (f), (g), (j), (l), (o), (p), (q) and (r), 81 (2), and 81 (3) of the *Indian Act*.

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, health, comfort, and safety of the Piapot First Nation Treaty Membership, animals and the sacred land of the Piapot Indian Reserve, and to provide for the removal and punishment of person(s) trespassing on the reserve or frequenting the reserve or causing action affecting reserve land for prohibited purposes;

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

Short Title:

1. This By-law may be cited as "Piapot First Nation Removal of Trespassers By-law".

Interpretation:

2. In this by-law;

“causing action” means any government body, private company, or individual who undertakes to proceed with unlawful actions causing harm or consideration to the Piapot First Nation inhabitants and land;

“Council” means the Council of the Piapot First Nation as defined on the *Indian Act*;

“Inhabitants” means any First Nation Members or other persons residing on Piapot First Nation reserve land;

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

“Officer” means any police officer, police constable or other person chartered with the duty to preserve and maintain the public peace, and any person appointed by the Council for the purpose of maintaining law and order on the reserve;

“Reserve” means the reserve of the Piapot First Nation and includes the Piapot First Nation’s Reserves No. 75 and such additional lands as may be Reserve lands of Piapot First Nation;

“Trespass” means the entry onto, or the presence on, or actions by a person(s) causing interference without lawful justification, the use of the Piapot First Nation reserve land.

“Violation” means a separate offence occurs for each day of trespass;

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) soliciting financial assistance;
 - (e) watercourse flooding by flooding or diversion of natural flows of water onto the reserve from sources external to or unto the reserve;
 - (f) the passing down the Qu’Appelle River other than normal natural run-off;
 - (g) pollution in the water affecting the water quality, the shoreline, waterbed and the groundwater.
 - (h) any actions which would cause risk to the health of Piapot First Nation Treaty membership, animals and the sacred lands of the Piapot First Nation or the spreading of contagious and infectious diseases;

- (i) any unauthorized construction and maintenance of watercourses, road, bridges, ditches, fences and other local works;
- (j) the dividing of the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone;
- (k) not destroying and controlling noxious weeds;
- (l) construction and regulation of water in the Qu'Appelle River resulting in detrimental effects;
- (m) limiting and destruction of fur-bearing animals, fish and other game on the reserve;

Shall be deemed to be frequenting the reserve or causing action for a prohibited purpose.

- (2) Subsection 3 (1) does not apply to;
 - (a) a person who is a First Nation Member of the reserve;
 - (b) a person who, under a By-law of the Council, holds a valid Licence to conduct any activity referred to therein or is otherwise permitted by the Piapot First Nation to conduct that activity.
4. (1) An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately and stop the action causing the trespass.
- (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 and stop the action causing trespass.
- (3) A person who fails or refuses to comply with an order made under subsection 4(1) to leave the reserve, or shall resist or interfere 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 on summary conviction to a fine not exceeding \$1,000.00 (One Thousand Dollars) per day or to imprisonment for a term not exceeding 30 (thirty) days, or both.
- 6. The making of this by-law pursuant to the Indian Act provisions does not derogate from the inherent or treaty sovereign authority of the Piapot First Nation and is implemented to exercise rights in addition and not in

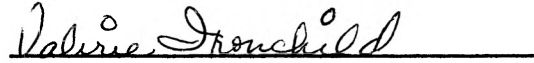
substitution of the past or future exercise of inherent or Treaty rights including past licenses or permits. Nothing in this by-law shall be construed or interpreted to prevent conditions of permit or licence to effect consequences for trespass to also be implemented by Chief and Council and/or Membership of Piapot First Nation in a general meeting.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Band Council of the Piapot First Nation this 18 day of March, 2005.

Voting in favour of the "Piapot First Nation Removal of Trespassers By-law" are the following members of the Council:


Chief Murray Ironchild

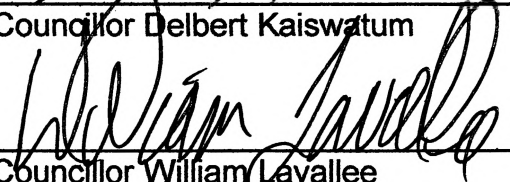

Councillor Keith Francis

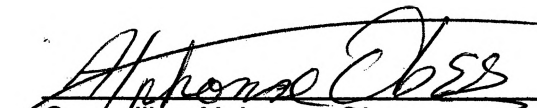

Councillor Valerie Ironchild

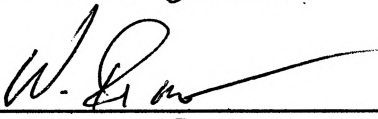
Councillor Brenda Kaiswatum


Councillor Delbert Kaiswatum

Councillor Harold Kaiswatum

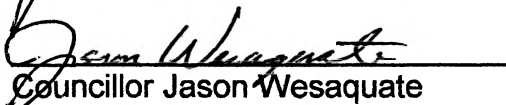

Councillor William Lavallee

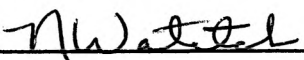

Councillor Alphonse Obey


Councillor Wayne Pratt


Councillor John Rockthunder

Councillor Dennis Wesaquate


Councillor Jason Wesaquate


Councillor Nelson Watetch

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

The quorum of the Piapot First Nation Council is 5 members.

Numbers of members of the Piapot First Nation Council present at the meeting:

9

I, William Lavallee, Chief/Councillor of the Piapot 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 (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 18 day of March, 2005.

William Lavallee
(Chief / Councillor)

[Signature]
(Witness)