

**By-law No. 2020-2
of the
Netmizaagamig
Nishnaabeg**

**(Also known as the Pic
Mobert First Nation)**

**Being a By-law to be known as “The Netmizaagamig
Nishnaabeg Removal of Trespassers and Drug
Traffickers By-law” enacted for the Removal and
Punishment of Persons Trespassing or Frequenting
the Reserve for
Prohibited Purposes**

WHEREAS the Council of the Netmizaagamig Nishnaabeg desires to establish a by-law to provide for the health, safety and wellbeing of our citizens and the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes, including the trafficking of illegal drugs on the reserve;

AND WHEREAS the Council of the Pic Mobert First Nation is empowered to make such a by-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(p), (q) and (r) of the Indian Act and its Chi-Naaknigewin;

AND WHEREAS various crimes and activities including the illegal trafficking of harmful drugs within the community present a clear and present danger to the citizens of the Pic Mobert First Nation and the Chief and Council of the Netmizaagamig Nishnaabeg must take action to reduce the potential harm caused by crimes including the illegal trafficking of drugs in the community; and,

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, health and safety of the inhabitants of Netmizaagamig Nishnaabeg to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes, including the trafficking of illegal drugs on the reserve;

NOW THEREFORE the Council of the Netmizaagamig Nishnaabeg hereby makes the following by-law:

Short title

1. This by-law may be cited as "*The Netmizaagamig Nishnaabeg Removal of Trespassers and Drug Traffickers By-law*".

Interpretation

2. In this by-law:

"*Citizen*" means a member of the Netmizaagamig Nishnaabeg, the spouse or children of a member of the Netmizaagamig Nishnaabeg, or any other person that the Council of the Netmizaagamig Nishnaabeg has authorized to reside on the Pic Moberg First Nation reserve;

"*Council*" means the Council of the Netmizaagamig Nishnaabeg as defined in the Indian Act and as defined in its Chi-Naaknigewin;

"*Minister*" means the Minister of Indian Affairs and Northern Development;

"*Officer*" means any First Nation's police officer, police constable or other person charged 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 Netmizaagamig Nishnaabeg;

"*trespass*" means the entry onto, or the presence on, the reserve by a person without lawful justification.

Prohibited Purposes

3. (1) Any person who conducts on the reserve any of the following activities, without any lawful authority, namely:

- (a) drug trafficking;
- (b) hawking or peddling of wares or merchandise;
- (c) loitering;
- (d) destroying First Nation property or,
- (e) soliciting financial assistance or,
- (f) failing to comply with an eviction order made under a Band Council Resolution;

may be charged with an offense under this by-law and deemed to be on the reserve for a prohibited purpose and in violation of this by-law.

4. (1) An Officer who has reasonable and probable grounds to believe a person is on the reserve for a prohibited purpose, shall have the power to order any person who is on the Reserve to leave the Reserve immediately.

(2) A person who resides on the Reserve and is charged with a drug offense under another statute, that person must apply to the Chief and Council to determine whether they may be permitted to continue to reside on the Reserve pending their trial on these charges.

(3) Notwithstanding the power conferred on the Officer at paragraph 4 (1) above, an officer may order that the person meet with Netmizaagamig Nishnaabeg's health and social service representatives to discuss the person's alleged conduct and discuss an appropriate corrective plan of action.

(4) Where a person who has been ordered to leave the Reserve fails and refuses to do so, an Officer shall have the power to take such reasonable measures, including using as much force as is reasonably necessary under the circumstances to remove the person from the Reserve.

(5) A person who fails or refuses to comply with an order made under subsection 4 (1) to leave the Reserve, or fails to meet with Netmizaagamig Nishnaabeg's health and social service representatives about the alleged conduct when ordered to do so, commits an offence under this by-law.

Penalty

(6) A person who violates any provision of this by-law shall be deemed to be trespassing on the Reserve and commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty (30) days or to both.

Appeal

(7) Any person convicted of an offence under this by-law may appeal the conviction to a court of competent jurisdiction to hear appeals.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Netmizaagamig Nishnaabeg this ____day of November 2020.

Voting in favour of the by-law are the following members of the Council:

being the majority of those members of the Council of the Netmizaagamig Nishnaabeg present at the aforesaid meeting of the council.

The quorum of the Band Council is 6 members.

I, Chief Johanna Desmoulin of the Netmizaagamig Nishnaabeg, do hereby certify that a true copy of the foregoing by-law was sent via registered mail to the Minister of Indian Affairs and Northern Development at the headquarters in Gatineau, QC, pursuant to subsection 82(1) of the Indian Act, this _____day of November 2020.

Chief Johanna Desmoulin