



Chronological no.

1640 page 1

File reference no.

BAND COUNCIL RESOLUTION

NOTE:

The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

Table with columns for Council Name, Date of meeting, Province, and Cash free balance (Capital and Revenue accounts).

DO HEREBY RESOLVE:

WHEREAS Kebaowek First Nation has the inherent right to govern its own affairs and also exercises the powers of a "band council" under the Indian Act, including the power to make by-laws pursuant to section 81 of that Act;

WHEREAS section 81 recognizes the right of Kebaowek First Nation to make by-laws for any of the following purposes:

- List of purposes: health of residents, observance of law and order, prevention of disorderly conduct, removal of trespassers, and any matter arising out of or ancillary to the exercise of powers.

WHEREAS Kebaowek First Nation hereby chooses to exercise its rights and law-making powers over the reserve lands which have been set apart part for the use and benefit of Kebaowek First Nation and its members;

Quorum 3
(Councillor)
(Councillor)
(Councillor)

Handwritten signatures of Chief and three Councillors.

(Councillor)
(Councillor)
(Councillor)

FOR DEPARTMENTAL USE ONLY

Table for departmental use with columns for Expenditure, Authority, and Source of funds, including fields for recommending and approving officers.



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DO HEREBY RESOLVE:

WHEREAS Kebaowek First Nation wishes to respond to the safety and public order concerns of its members related to the presence in the community of non-members who have been charge or convicted of serious criminal offences or who are trespassers in the community;

NOW THEREFORE the Council of Kebaowek First Nation enacts this Restricted Persons and Trespass By-law:

PART I – INTRODUCTORY MATTERS

Title
1. This by-law may be referred to as the Kebaowek First Nation Restricted Persons and Trespass By-law.

Interpretation

2. In this by-law unless the context otherwise requires:

"Restricted person" means a person who is not a Member, who has been charged or convicted as an adult of one or more of criminal offences and who has been designated as a "restricted person" by Council pursuant to this by-law.

"Kebaowek First Nation" means the Kebaowek First Nation "band" as defined by the Indian Act.

"Member" means a person who is a member of the Kebaowek First Nation.

"Council" means the Chief and Councillors of the Kebaowek First Nation duly elected from time to time.

Quorum 3
(Councillor)
(Councillor)
(Councillor)

Handwritten signatures of three councillors: Daniel Raymond (Chief), Gerald Cheyut, and Doug Harte.

(Councillor)
(Councillor)
(Councillor)

FOR DEPARTMENTAL USE ONLY

Table for departmental use with columns for Expenditure, Authority (Indian Act Section), and Source of funds (Capital/Revenue). Includes fields for Recommending officer and Approving officer with signature and date lines.



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DO HEREBY RESOLVE:

"Officer" means any police officer, peace officer or other person charged with the duty to preserve and maintain the public peace, and any person appointed by Council for the purpose of maintaining law and order on the Reserve.

"Reserve" means those tracts of land set apart for the use and benefit of Kebaowek First Nation and shall also include any future additions to the reserve lands of the Kebaowek First Nation.

"Resident" means any member of Kebaowek First Nation who ordinarily resides on the Reserve or any other person with lawful authority to possess or occupy land on the Reserve;

"Resolution" means a Council resolution in writing adopted by a majority of elected Councillors.

Application

3. This by-law applies on the Reserve.

Compliance with other laws

4. Compliance with this by-law does not relieve any person from their duty to comply with the provisions of any other applicable laws, regulations or Kebaowek First Nation by-laws.

PART 2 – RESTRICTED PERSONS

Designation

5. If Council reasonably believes that the presence of a person on the Reserve may pose a threat to the observance of law and order or to the safety and well-being of Members or Residents, Council may, by Resolution,

Quorum 3
(Councillor)
(Councillor)
(Councillor)

Handwritten signatures of Jeanne Raymond (Chief), Gerald Chaput, and two other councillors.

(Councillor)
(Councillor)
(Councillor)

FOR DEPARTMENTAL USE ONLY

Form with columns for Expenditure, Authority (Indian Act Section), and Source of funds (Capital/Revenue), with signature and date lines for recommending and approving officers.



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Table with columns for Council name (Kebaowek First Nation), Date of meeting (2019-09-16), Province (Quebec), and Cash free balance (Capital and Revenue accounts).

DO HEREBY RESOLVE:

designate such a person as a "restricted person".

6. All Council discussions regarding the designation of a person as a restricted person shall be held in camera.

Orders by Council

7. If a person has been designated a restricted person pursuant to this by-law, then, subject to the limitations imposed by law or this by-law, Council may, by Resolution, issue an order to:

- a. prohibit the person from attending specified locations or events on the Reserve;
b. limit the frequency or duration for which the person may visit the Reserve;
c. evict the person from housing on the Reserve;
d. prohibit the person from using, occupying, entering or residing on the Reserve either for a specified duration or until express permission is granted in the form of a Resolution.

Factors

8. When considering whether to designate a person as a restricted person and whether to issue an order pursuant to the preceding section, Council may consider the following:

- a. the seriousness of the offence (or offences) for which the person has been charged or convicted and, in particular, whether the offence is listed as a primary or secondary designated offence at section 487.04 of the Criminal Code;
b. whether the person has been convicted or found guilty of the offence;

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Handwritten signatures of Council members: Joseph Raymond (Chief), Gerald Chaput, and two other councillors.

(Councillor)

(Councillor)

(Councillor)

FOR DEPARTMENTAL USE ONLY. Table with columns for Expenditure, Authority (Indian Act Section), and Source of funds (Capital/Revenue). Includes fields for Recommending officer and Approving officer with signature and date lines.



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The council of the Kebaowek First Nation		Cash free balance	
		Capital account	\$ _____
Date of duly convened meeting (YYYY-MM-DD)	Province	Revenue account	\$ _____
2019-09-16	Quebec		

DO HEREBY RESOLVE:

- c. the circumstances of the offence for which the restricted person has been charged or convicted, including:
 - i. whether the offence occurred on the Reserve or involved Members or Residents;
 - ii. the age of the restricted person when the offence occurred;
 - iii. then length of time that has elapsed since the commission of the offence;
- d. the safety or security concerns of Members or Residents, especially those who are victims of the offence for which the restricted person was charged or convicted or who have suffered physical or emotional harm as a result of the acts of the restricted person;
- e. the relationship of the restricted person to Members or Residents.

Notification

9. If Council designates a person as a restricted person and issues an order pursuant to this Part, Council shall make reasonable efforts to inform the restricted person of the terms of the order.

Enforcement

10. Where a person who is the subject of an order made pursuant to this Part fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to enforce the order, which may include removing the person from the Reserve.

Offence and Penalty

11. A person who fails or refuses to comply with an order issued pursuant to this Part or who resists or interferes with an officer acting to enforce this by-law commits an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000) or to imprisonment for a term not exceeding thirty days or both.

Quorum 3

(Councillor)

(Councillor)

(Councillor)

Paul Raymond
(Chief)

Gerald Chaput
(Councillor)

Arresto
(Councillor)

[Signature]
(Councillor)

(Councillor)

(Councillor)

(Councillor)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue	Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue
Recommending officer			Recommending officer		
_____ Signature		_____ Date	_____ Signature		_____ Date
Approving officer - Approuvé par			Approving officer		
_____ Signature		_____ Date	_____ Signature		_____ Date



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DO HEREBY RESOLVE:

PART 3 - TRESPASS

Trespass

12. A person trespasses on the Reserve if the person does any of the following:

- a. enters or stays on the Reserve without lawful justification or in violation of the terms of an order by Council;
b. frequents the Reserve for a prohibited purpose;
c. enters premises on the Reserve without the permission of the lawful owner or occupant.

Enforcement

13. An Officer may order any person who is trespassing to leave the Reserve immediately. If a person fails or refuses to comply with an Officer's order, then the Officer may use such reasonable measures as are necessary to remove that person from the Reserve.

Offence and Penalty

14. A person who fails or refuses to comply with an Officer's order pursuant to the preceding section, or who interferes with an Officer acting pursuant to the preceding section, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000) or to imprisonment for a term not exceeding thirty days or both.

15. In addition to any other penalties provided herein, any person causing damage or loss to any Kebaowek First Nation property as a result of an offence under this by-law will be responsible for the cost of repairing or replacing such damage or loss.

Quorum 3
(Councillor)
(Councillor)
(Councillor)

Handwritten signatures of Council members: Grand Chief, Councillor, Councillor, Councillor.

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DO HEREBY RESOLVE:

PART 4 - GENERAL MATTERS

Civil Liability Unaffected

16. Nothing in this by-law affects the civil liability of a person who contravenes any provision of this by-law.

Severability

17. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

Coming Into Force

18. This by-law comes into force after its adoption by Council on the day on which it is first published on the Kebaowek First Nation Council website.

THIS BY-LAW IS HEREBY adopted at a duly convened meeting of the Council of Kebaowek First Nation.

Quorum 3
(Councillor)
(Councillor)
(Councillor)

Handwritten signatures of three councillors: Caprice Raymond (Chief), Gerald H. Chaput, and another councillor.

(Councillor)
(Councillor)
(Councillor)

FOR DEPARTMENTAL USE ONLY table with columns for Expenditure, Authority, and Source of funds, including fields for recommending and approving officers.