

**BY-LAW NO. 2002/001
of the White Bear First Nations**

**A By-law for the Prevention of
Disorderly Conduct**

WHEREAS the Council of White Bear First Nations 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 Council of White Bear First Nations 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, and the restraining of, the continuation of any contravention of any bylaw of a Band;

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

NOW THEREFORE the Council of White Bear First Nations hereby makes the following by-law:

Short Title

1. This by-law may be cited as the "Disorderly Conduct By-law".

Interpretation

2. In this by-law,

"*Band*" means the White Bear First Nations;

"*Band member*" means any treaty Indian registered as a member of the White Bear First Nations 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 White Bear First Nations from time to time;

"*Council*" means the Council of the White Bear First Nations;

"*Disorderly conduct*" means any act or behaviour, including

- (a) fighting;
- (b) making or causing unreasonable noise;
- (c) using abusive language;
- (d) using offensive or indecent gestures or displays;
- (e) being drunk on public property;
- (f) loitering;
- (g) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon on public property; or
- (h) interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities on the reserve,

that disrupts public order on the reserve, scandalises the community, or causes public inconvenience, annoyance or alarm;

"*Officer*" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"*Person*" includes a corporation;

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

"*Reserve*" means the reserve of the White Bear First Nations No.70.

Disorderly Conduct

- 3.(1) Every one who commits an act 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 behaviour, by the making of noise or noises, or in any manner whatsoever disturb the order or solemnity of:
 - (i) any meeting of Council;

- (ii) any religious festival;
 - (iii) any assemblage of Indians 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

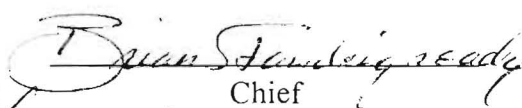

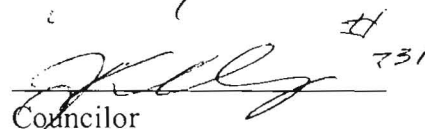

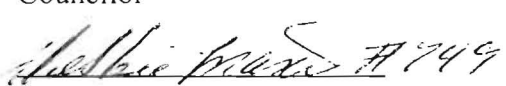

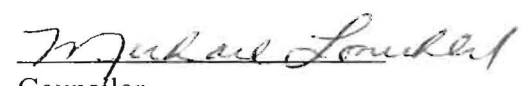
- 4.(1) Where a person who has been ordered to stop engaging in disorderly conduct, fails or refuses to comply with the order, an officer may take such reasonable measures as are necessary to stop the disorderly conduct.
- (2) A person who fails or refuses to comply with an order made under subsection 3, or who resists or interferes with an officer acting under subsection 4(1), commits an offence.
- (3) Where under section 81(2) of the “*Indian Act*” this bylaw 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 bylaw is contravened, such contravention may be restrained by court action to prevent the continuation of disorderly conduct within the White Bear First Nations.

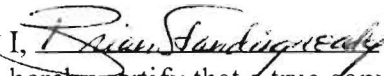
Penalty

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 bylaw at a regularly convened Chief and Council meeting of the White Bear First Nations

This by-law is hereby made at a duly convened meeting of the Council of the White Bear First Nations this 10th day of April, 2002.

Quorum of the Council is six (6) members.

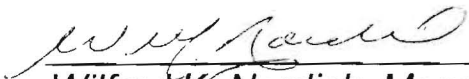
 Chief	
 Councilor	 Councilor
 Councilor	_____
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Councilor	Councilor

I,  Chief/Councilor of the White Bear First Nations, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act, this 12th day of April, 2002.

 Witness	 Chief
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CERTIFICATE

*I, Wilfred K. Nordick, do hereby certify as Superintendent pursuant to Section 86 of the **Indian Act** R.S.C., C.I-5, that the attached copy marked "CERTIFIED TRUE COPY" is true copy of the original by-law number 2002/002 duly made on the 10th day of April 10, 2002 by the Council of the White Bear First Nation Band of Indians being a by-law that respects the Prevention of Nuisances for the White Bear First Nation Reserve.*



Wilfred K. Nordick, Manager
Registration, Revenues and
Band Governance
Lands and Trust Services
Saskatchewan Region

*Signed at Regina, Saskatchewan this
13th day of May 2002*

*Department of Indian Affairs
and Northern Development*