

**Piikani Nation
Trespass By-law, 2021**

(a by-law to provide for the protection of Piikani Nation residents from dangerous persons, trespass and the spread of transmittable diseases)

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Piikani Nation Trespass By-law, 2021

WHEREAS:

- A. We, the Piikani Nation have and maintain our Treaty and Indigenous title, rights and interests to our lands and resources within our Territory;
- B. We have an inherent right to self-government which emanates from our people, culture and land, and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- C. As Council for the Piikani Nation, we also have authority pursuant to section 81(1) of the *Indian Act (Canada)* to enact by-laws to provide for:
 - i. the health of residents on the reserve;
 - ii. the observance of law and order;
 - iii. the prevention of disorderly conduct and nuisances;
 - iv. the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise;
 - v. the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;
 - vi. the residence of band members and other persons on the reserve; and
 - vii. any matter arising out of or ancillary to the exercise of such powers;
- D. Concurrently, pursuant to section 30 of the *Indian Act*, any person who trespasses on Piikani Lands is guilty of an offence and liable to a fine, imprisonment, or both;
- E. The Piikani Lands have been set aside for the use and benefit of the Piikani Nation; and
- F. As Council, we have the authority and obligation to provide for the safety and well-being of our community, including the safety and well-being of residents on our Piikani Lands,

NOW THEREFORE BE IT RESOLVED THAT this Piikani Nation Trespass By-law, 2021 (the “By-law”) is hereby enacted as a by-law of the Piikani Nation.

PART 1 – NAME

- 1.1 Short Name. This By-law may be cited as the Piikani Trespass By-law.

PART 2 – PURPOSE AND APPLICATION

- 2.1 Purpose. The purpose of this By-law is to protect the welfare of Residents and to promote community well-being.
- 2.2 Application. This By-law applies to all Piikani Lands.
- 2.3 Authority.
- 2.3.1 Subject to Section 2.3.4, the Lands Department is responsible for implementing this By-law and will have all powers necessary to give effect to this By-law.

- 2.3.2 From time to time, the Lands Department may contract, or may direct the Piikani Nation to contract, with enforcement services to enforce this By-law. The Lands Department may also delegate any part of its authority under this By-law to other persons.
- 2.3.3 The Lands Department may, from time to time, refer to Council for guidance and advice on the implementation of this By-law.
- 2.3.4 Council may, by Band Council Resolution, change the entity and/or person responsible for implementing all or part of this Bylaw, which entity and/or person will then have such powers under Sections 2.3.1, 2.3.2 and 2.3.3 as specified in the applicable Band Council Resolution.
- 2.4 Non-Derogation. No provision of this By-law, or any communication, negotiations or engagements carried out pursuant to it, does, or may be deemed to, prejudice, limit, abrogate or derogate from any of the Piikani Nation's Treaty or Indigenous title, rights or interests.

PART 3 – INTERPRETATION

- 3.1 Definitions. For the purpose of this By-law, the following definitions apply:

"Band Council Resolution" means a resolution in writing of a Council, passed by the majority of the Councillors present at a meeting at which a quorum is constituted;

"Council" means the duly elected Chief and Council of the Piikani Nation;

"Dangerous Person" means a person that has been convicted as an adult, without receiving a pardon, of one or more of *Criminal Code* (Canada) offences, and who has been designated as a "dangerous person" pursuant to this By-law;

"Lands Department" means the Lands Department of the Piikani Nation;

"Occupier" includes (i) a person who is in physical possession of Premises, and (ii) a person who has responsibility for and lawful control over persons allowed to enter the Premises, even if there is more than one occupier of the same Premises;

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

"Permit to Enter" means a Permit to Enter issued in accordance with Band Council Resolution No. 2018-0419-04, attached as Schedule "A" to this By-law, and containing terms and conditions as set out in Schedule "B" to this By-law;

"Piikani Lands" means all reserves of the Piikani Nation, any land held for the use and benefit of the Piikani Nation pursuant to section 36 of the *Indian Act*, and any future reserve set aside by Her Majesty for the use and benefit of the Piikani Nation;

"Premises" means lands and structures on Piikani Lands, or either of them, and includes water;

“Prohibited Purpose” has the meaning provided in Section 5.2.1;

“Public Place” includes, but is not limited to, any highway, boulevard, park or other real property owned, held or administered by the Piikani Nation;

“Resident” means:

- a) any member of the Piikani Nation that ordinarily resides on lands within the Piikani Lands;
- b) any non-member of the Piikani Nation that is:
 - i. a child (including a child adopted either formally or under Piikani Nation custom) under the age of eighteen (18) years old that ordinarily resides with a parent that has lawful authority to use or reside on land within the Piikani Lands;
 - ii. a child under the age eighteen (18) years old that ordinarily resides with due authorization in a licensed group home on Piikani Lands; or
 - iii. a spouse of a member of the Piikani Nation that is entitled to rights of use, occupation and/or possession of structures and/or lands on Piikani Lands pursuant to the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (Canada) or such future law enacted by the Piikani Nation respecting the use, occupation and/or possession of structures and lands on Piikani Lands; and
- c) any non-member of the Piikani Nation that has lawful authority to use land within the Piikani Lands, which lawful authority requires that, amongst other requirements set out by the Piikani Nation from time to time, such person shall pay the Piikani Nation an annual fee due by January 31st of each year to the Piikani Nation of:
 - i. \$50.00 (fifty) dollars if such person has resided on Piikani Lands for five (5) or more consecutive years and has complied with all applicable Piikani Nation, provincial and federal laws, bylaws, directives, orders and policies throughout that time;
 - ii. \$100.00 (one hundred) dollars if such person has resided on Piikani Lands for less than five (5) consecutive years, or has not complied with all applicable Piikani Nation, provincial and federal laws, bylaws, directives, orders and policies for five (5) consecutive years; or
 - iii. from \$0 (zero) to (\$50.00) dollars, as determined by Council in its sole discretion, if the Council has issued a Band Council Resolution exempting an individual from one or more annual fees on the basis of special circumstances (such as for persons in vulnerable groups or situations); and

“Valid Authorization” has the meaning set out in Section 5.1.1.1 of this By-law.

3.2 General Interpretation.

- 3.2.1 Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this By-law will be guided, interpreted and carried out in accordance with the law, culture, traditions and customs of the Piikani Nation.
- 3.2.2 The headings of parts and section of this By-law have been inserted as a matter of convenience and for reference only, and in no way define or limit any of its provisions.
- 3.2.3 A word in the singular form may be read in the plural form if the context allows it and a word in the plural form may be read in the singular form if the context allows it. All genders are included in any gender expressed.
- 3.2.4 The words "include", "includes" and "including" are to be read as if they are followed by the phrase "without limitation".
- 3.2.5 Any reference to a statute means that statute, and any regulations made under it, all as may be amended, consolidated and/or replaced from time to time, and any successor statute thereto.

3.3 Schedules. The following Schedules form part of and are integral to this By-law:

- (a) Schedule "A" – Band Council Resolution No. 2018-0419-04
- (b) Schedule "B" – Standards terms and conditions to Permits to Enter
- (c) Schedule "C" – Piikanissini Declaration

3.4 Miscellaneous.

- 3.4.1 If a court determines that a provision of this By-law is invalid for any reason, then the provision shall be severed from this By-law and the validity of the rest of this By-law shall not be affected.
- 3.4.2 Where any federal or provincial laws or other Piikani Nation by-laws apply to any matter covered by this By-law, compliance with this By-law will not relieve the person from also complying with the provisions of any other such laws or by-laws.
- 3.4.3 Where Premises are or include community land, the Piikani Nation is the Occupier and the rights and powers of the Occupier are exercised by Council or by a person designated by Council to exercise some or all of its rights or powers under this By-law.

PART 4 – DANGEROUS PERSONS

4.1 Criminal History Information Order.

4.1.1 If Council reasonably believes that the presence of a person on the Piikani Lands may (i) pose a threat to the observance of law and order on Piikani Lands, or (ii) be a danger to the Piikani Nation or any Residents, Council may, by Band Council Resolution, issue to such a person a Criminal History Information Order, which order shall be personally served on such person.

4.1.2 A Criminal History Information Order shall require the person upon whom it is served to provide to Council, within fifteen (15) calendar days of receiving such order:

4.1.2.1 a written consent authorizing Council to conduct a criminal record check; or

4.1.2.2 a signed declaration indicating whether the person has been convicted, without receiving a pardon, of one or more *Criminal Code* offences, and where the person has been so convicted, a signed declaration listing which of those offences the person has received a conviction.

4.1.3 If:

4.1.3.1 Council believes, on the basis of a criminal record check conducted pursuant to Section 4.1.2.1 or a written declaration received pursuant to Section 4.1.2.2 that the applicable person has been convicted of one or more *Criminal Code* offences; or

4.1.3.2 a person fails or refuses to comply with a Criminal History Information Order served pursuant to Section 4.1.1 within 15 calendar days of receiving that order;

then Council may, by Band Council Resolution, designate such a person as a Dangerous Person.

4.1.4 All Council discussions regarding the designation of a person as a Dangerous Person shall be held *in camera*.

4.2 Authority with respect to Dangerous Persons.

4.2.1 Council may, by Band Council Resolution that shall be accompanied by written reasons to be shared with the applicable Dangerous Person:

4.2.1.1 require that the name of a Dangerous Person be posted in a Public Place, or that Residents be otherwise informed of the presence of a Dangerous Person on Piikani Lands; and/or

4.2.1.2 issue an order to:

(i) prohibit or restrict the Dangerous Person from attending specified locations or events on Piikani Lands for a specified duration of time not exceeding one (1) year;

- (ii) limit or restrict the right of such Dangerous Person to access and/or be present on any or all Piikani Lands;
- (iii) prescribe hours, dates, or times when that Dangerous Person is permitted or prohibited from attending specified Premises;
- (iv) prohibit a Dangerous Person from being within a prescribed distance from a particular person or persons;
- (v) limit the duration for which a Dangerous Person may occupy specified areas on Piikani Lands on a given visit;
- (vi) limit the number of times a Dangerous Person may frequent Piikani Lands within a specified period of time;
- (vii) evict a Dangerous Person from housing on Piikani Lands;
- (viii) prohibit a Dangerous Person from using, occupying, or possessing any Piikani Lands for a period not exceeding one (1) year; and/or
- (ix) banish that Dangerous Person for up to four (4) years from any or all Piikani Lands (which area shall be specified in the applicable Band Council Resolution), taking into account the following in determining the duration of banishment:
 - (1) the seriousness of the crime(s) omitted by the individual;
 - (2) the family ties that the individual has with Residents, including such individual's roles and responsibilities within that family, if any;
 - (3) the location of the individual's residence and work if on Piikani Lands;
 - (4) the number of previous offences committed by such individuals;
 - (5) a fair and reasonableness term of banishment in the circumstances; and
 - (6) any views expressed by the applicable individual and others pursuant to Section 4.2.4.

4.2.2 An exercise of authority pursuant to Section 4.2.1 may be renewed by Council on a yearly basis.

4.2.3 When considering whether and/or how to exercise authority under Section 4.2.1 or Section 4.2.2, Council may consider the following:

4.2.3.1 whether the behaviour for which the conviction was received, if repeated, poses any threat to the peace or safety of Residents or

to Council's ability to ensure the observance of law and order on Piikani Lands;

4.2.3.2 the circumstances and the particulars of the offence(s) for which the Dangerous Person has been convicted, including:

- (i) whether the offence(s) occurred on Piikani Lands;
- (ii) whether the offence(s) involved a Resident; and
- (iii) the age of the Dangerous Person when the offence(s) occurred;

4.2.3.3 any extenuating circumstances regarding the offence(s), including:

- (i) whether the person is a first-time offender or has a limited criminal record;
- (ii) whether the person is of prior good character;
- (iii) whether the person entered a guilty plea to the offence or offences in question;
- (iv) whether the person has engaged in post-offence rehabilitation efforts;
- (v) whether the person has made acts of restitution or compensation;
- (vi) whether the person committed the offence or offences under circumstances of provocation or duress; and/or
- (vii) whether the person comes from a disadvantaged background; and

4.2.3.4 the length of time that has elapsed between the commission of the offence(s), including:

- (i) what the Dangerous Person has done during that period of time; and;
- (ii) whether the Dangerous Person has shown any tendencies to repeat the kind of behaviour for which he or she received the conviction(s).

4.2.4 Prior to exercising authority pursuant to Section 4.2.1, Council:

4.2.4.1 shall give a reasonable opportunity for, and shall consider the views of, the Dangerous Person concerning whether he or she represents a threat to the peace and safety of Residents or to the observance of law and order on Piikani Lands; and

- 4.2.4.2 may give notice to impacted Residents and may consider their views concerning whether the Dangerous Person represents a threat to the peace and safety of Residents or to the observance of law and order on Piikani Lands.
- 4.2.5 Council may deem an individual to be an impacted Resident for the purposes of section 4.2.4.2 if they are:
 - 4.2.5.1 a victim of an offence(s) for which the Dangerous Person has been convicted;
 - 4.2.5.2 an immediate family member of the Dangerous Person; and/or
 - 4.2.5.3 any other Resident whom Council in its discretion determines has been impacted by the offence(s) for which the Dangerous Person has been convicted, or who is likely to be impacted by the exercise of Council's authority under Section 4.2.1.
- 4.2.6 Council shall make reasonable efforts to provide notice or effect service of a Band Council Resolution issued pursuant to Section 4.2.1 or Section 4.2.2 on the applicable individual, shall arrange for all such Band Council Resolution(s) to be posted on Piikani Lands, and shall inform local law enforcement of such all such Band Council Resolution(s) in a timely manner.

4.3 Enforcement.

- 4.3.1 Where a person who is the subject of an order made pursuant to Section 4.2.1 or Section 4.2.2 fails or refuses to comply with such an order, an Officer may take such reasonable measures as are necessary to enforce that order.
- 4.3.2 Council shall make reasonable efforts to provide information regarding existing rehabilitation programs, including those offered through the Piikani Nation prevention counselling services and other community driven sentencing programs, to individuals against which an order has been issued pursuant to Section 4.2.1 or Section 4.2.2.
- 4.3.3 A person who fails or refuses to comply with an order made under Section 4.2.1 or Section 4.2.2, or who resists or interferes with an Officer acting under Section 4.3.1, is guilty of an offence and liable on summary conviction to a fine not exceeding one (1) thousand dollars or to imprisonment for a term not exceeding thirty (30) days or to both.

PART 5 – TRESPASS

5.1 Offence of Trespass.

- 5.1.1 Subject to Section 5.1.2, a person commits an offence of trespass, and may be ordered to leave Piikani Lands by an Officer, if the person does any of the following:
 - 5.1.1.1 enters Piikani Lands without lawful justification, as set out in Section 5.1.3;

- 5.1.1.2 enters Piikani Lands without a valid and duly authorized written authorization duly issued to such person:
 - (a) by Council or the Piikani Nation; or
 - (b) under the *Indian Act*,which authorizations include:
 - (i) a Permit to Enter;
 - (ii) an authorization to be a Resident; and
 - (iii) a permit issued under section 28(2) of the *Indian Act*,(each, a "**Valid Authorization**");
- 5.1.1.3 breaches the terms of any Valid Authorization that such person holds;
- 5.1.1.4 frequents Piikani Lands for a Prohibited Purpose; or
- 5.1.1.5 carries out a Prohibited Purpose on Piikani Lands.
- 5.1.2 Sections 5.1.1.1, 5.1.1.2, and 5.1.1.3 do not apply to a person who is a member of the Piikani Nation.
- 5.1.3 For the purposes of Section 5.1.1.1, and subject to any restrictions or prohibitions imposed pursuant to Section 6, a person has lawful justification to enter and be present on Piikani Lands where such person:
 - 5.1.3.1 enters Piikani Lands to participate in a public activity that the Piikani Nation has made available to the public at large (such as annual celebrations, rodeos and sport tournaments and competitions), and limits its presence on Piikani Lands to (i) the duration of such activity, and (ii) participation in or directly related to such activity;
 - 5.1.3.2 is and remains an invited guest of a member of the Piikani Nation as long as such member of the Piikani Nation:
 - (a) has only invited up to fifty (50) such persons at any one time; or
 - (b) has an authorization duly issued by Council or the Piikani Nation to such member of the Piikani Nation to invite more than fifty (50) persons for a particular event, purpose or activity, and such member complies with such duly issued authorization and all conditions attached thereto;
 - 5.1.3.3 is solely travelling (and not stopping, unless in the event of an accident or emergency) on a public highway through Piikani Lands;

5.1.3.4 is accessing a waterbody within Piikani Lands (i) from a location designated for this purpose by the Piikani Nation and (ii) in accordance with any conditions imposed by Council for such access;

5.1.3.5 is attending Piikani Lands for the sole purpose of visiting or attending during regular business hours:

(a) public buildings, facilities or designated areas; or

(b) a business located on Piikani Lands,

but each of the above is subject always to the prohibition on such person(s) carrying out any Prohibited Purposes while on Piikani Lands.

5.1.4 Except as varied by this By-law, common law defences to trespass are preserved.

5.2 Prohibited Purposes.

5.2.1 Subject to Section 5.2.2, a person who conducts any of the following on Piikani Lands shall be deemed to be frequenting Piikani Lands for a prohibited purpose and to be trespassing on Piikani Lands:

5.2.1.1 hunting, fishing or trapping;

5.2.1.2 permitting livestock to be on Piikani Lands in a manner that does not comply with the Piikani Nation Bylaw No. 01-2017, Stray Livestock Bylaw;

5.2.1.3 carrying out a business activity, or hawking or peddling of wares or merchandise, without a valid and duly authorized written authorization issued by Council or the Piikani Nation, or in a manner that does not comply with such authorization;

5.2.1.4 loitering or soliciting;

5.2.1.5 selling illegal drugs or goods;

5.2.1.6 video recording (including by way of drones that are not registered with the Piikani Nation), photographing, interviewing or conducting research or surveys;

5.2.1.7 distributing written materials;

5.2.1.8 camping;

5.2.1.9 accessing Piikani Lands from a road or watercourse that runs through Piikani Lands, other than as permitted under Sections 5.1.3.3 and 5.1.3.4;

5.2.1.10 operating an all-terrain vehicle, snowmobile or other motorized or non-motorized vehicle on Piikani Lands;

- 5.2.1.11 dumping refuse or waste, including contaminated soil, sediment or water, on Piikani Lands;
- 5.2.1.12 entering Premises without the Occupier's permission, or engaging in an activity on or in a Premise after the person has had notice from the Occupier of the Premises that such activity is prohibited; and/or
- 5.2.1.13 any other activity that is prohibited by another Piikani Nation by-law or by applicable provincial or federal laws,

(each of the above being a "**Prohibited Purpose**").

5.2.2 With the exception of Sections 5.2.1.2, 5.2.1.5, 5.2.1.11, 5.2.1.12 and 5.2.1.13, Section 5.2.1 does not apply to any of the following persons:

- 5.2.2.1 a member of the Piikani Nation;
- 5.2.2.2 a person who holds a Valid Authorization that authorizes the person to carry out a specified Prohibited Purpose, as long as such person is conducting himself or herself in accordance with such Valid Authorization; or
- 5.2.2.3 a person, who in exceptional or emergency situations, carried out a Prohibited Purpose with the express authorization of Council or the Piikani Nation to carry out such specific activity.

5.3 Enforcement.

- 5.3.1 Nothing in this By-law extinguishes the right of a person, including the Piikani Nation and Council, to bring a civil action for damages arising out of a trespass on any Premises.
- 5.3.2 Where a person who has been ordered to leave Piikani Lands in accordance with Section 5.1.1 and fails or refuses to comply with such an order, an Officer may take such reasonable measures as are necessary to remove that person from Piikani Lands.
- 5.3.3 A person who fails or refuses to comply with an order made under Section 5.1.1, or who resists or interferes with an Officer acting under Section 5.3.2, is guilty of an offence and liable on summary conviction to a fine not exceeding one (1) thousand dollars or to imprisonment for a term not exceeding thirty (30) days or to both.
- 5.3.4 An Officer may arrest without warrant any person found on Piikani Lands if such Officer believes on reasonable and probable grounds that such person is committing an offence under Section 5.3.3.
- 5.3.5 A person, other than an individual who commits trespass under this By-law, is also guilty of an offence under Section 5.3.3 if that person is shown to be complicit in the commission of the offence by:

- 5.3.5.1 purporting to give permission for entry to Piikani Lands where that person is not, or was not at the relevant time, an Occupier or otherwise authorized to give such permission under this By-law;
 - 5.3.5.2 being the employer of the individual who committed acts of trespass, directed or counselled him or her to do so as part of their employment;
 - 5.3.5.3 being a person in authority over an individual, counsels or directs that individual to commit an act of trespass; or
 - 5.3.5.4 knowing the conduct would be a trespass, assists an individual by providing him or her with the means, tools or equipment to commit the trespass.
- 5.3.6 A person may be a party to the offence of trespass whether or not the acts subsequent to entry exceeded the scope of such counselling, authorization, direction or assistance, and whether or not any other individual was convicted under this By-law in respect of the same trespass.
- 5.4 Livestock. For greater certainty, the trespass of livestock is regulated by way of the Piikani Nation Bylaw No. 01-2017, Stray Livestock Bylaw.

PART 6 – PREVENTION OF TRANSMITTABLE DISEASES

- 6.1 Definitions. For the purposes of this Part 6, the following definitions apply:
- 6.1.1 “**Essential Business**” means the operation of a grocery store, gas station, pharmacy, health clinic or other business designated by Council by a Band Council Resolution as an Essential Business;
 - 6.1.2 “**Emergency Services**” means the provision of policing, fire protection, health, dental and ambulance services;
 - 6.1.3 “**Essential Community Services**” means the provision of government services and the post office;
 - 6.1.4 “**Essential Service Providers**” means persons providing utilities including, heat, light, air conditioning, telecom and services to maintain and preserve homes, public buildings and Essential Business located on Piikani Lands, such as plumbers, electricians, repairman, and persons providing services to protect the health and safety of Residents, such as dentists, doctors and nurses, but for greater certainty shall not include any person providing services to renovate or improve any property or to operate any business that is not an Essential Business; and
 - 6.1.5 “**Post Office Visitor**” means a person who resides outside Piikani Lands, but who maintains a post office box at the post office located on Piikani Lands or who has been designated as a Post Office Visitor by a business that maintains a post office box at the post office located on Piikani Lands.

6.2 Council Authority. In the event that a transmittable disease arises amongst the general population in or around Piikani Lands, such as, for example, the coronavirus COVID-19, Council has the authority to order and implement, by way of Band Council Resolution, one or more of the following measures that it reasonably determines is necessary to reduce, prevent and protect against the spread of such disease on Piikani Lands:

6.2.1 specify periods of time during which no person shall have access to or be permitted to enter Piikani Lands other than:

- a) current Residents returning after departing the Reserve Lands for one or more of the following purposes:
 - i. to purchase groceries and supplies, provided that no other member of the household has left the Piikani Lands that day for a similar purpose;
 - ii. to hunt and fish for sustenance purposes; and/or
 - iii. to attend urgent medical appointments;
- b) providers of Emergency Services;
- c) Essential Service Providers;
- d) persons necessary to the operation of an Essential Community Service;
- e) for employment purposes on or off Piikani Lands; and/or
- f) a Post Office Visitor who may enter Piikani Lands a maximum of once per day for the sole purpose of visiting the post office to pick up and deliver mail, but such Post Office Visitor must take the most direct route to and from the post office;

6.2.2 require:

- a) Residents;
- b) persons that have left and returned to Piikani Lands;
- c) persons that exhibit symptoms of the transmittable disease that are not related to a pre-existing illness or health condition; and/or
- d) persons that have tested positive for the transmittable disease,

to self isolate in their homes (including within private outdoor spaces that are at least 2 meters away from neighbours and/or public spaces) for a specified period of time, subject only to the right to leave self-isolation for the purposes of testing for the transmittable disease, critical care for pre-existing medical conditions or emergency care, which departure from self-isolation must be exercised with due care, use of personal protective equipment (such as masks) and by maximizing physical distance from others (including during transportation to care providers);

6.2.3 prohibit gatherings of a specified numbers of people on Piikani Lands;

- 6.2.4 require individuals on Piikani Lands to maintain specified social distancing in indoor and/or outdoor areas;
 - 6.2.5 prohibit all persons from undertaking or engaging in any business or occupation on Piikani Lands other than Emergency Services, Essential Businesses, Essential Community Services or the activities of Essential Service Providers, save and except businesses and employment operated from persons' homes;
 - 6.2.6 establish a checkpoint at a specified location to ensure the implementation and enforcement of measures adopted by Council pursuant to this Section 6.2;
 - 6.2.7 post signage and publish such information as Council deems appropriate to assist individuals in understanding the requirements imposed pursuant to this Section 6.2;
 - 6.2.8 require persons on Piikani Lands to wear masks and/or other personal protective equipment at specified locations within Piikani Lands and/or during specified times;
 - 6.2.9 close Piikani Nation government departments, facilities and/or infrastructure for specified periods of time, with the potential exemption of specified personnel;
 - 6.2.10 limit the number of individuals that can be present in a particular building and/or location within Piikani Lands at one time;
 - 6.2.11 require special cleaning and sanitation procedures, physical separation aids, signage and/or floor markings for Piikani Nation facilities and/or infrastructure;
 - 6.2.12 require all persons on Piikani Lands to abide with applicable Piikani Nation, provincial and/or federal policies, guidance, directives and/or laws to prevent further spread of the transmittable disease;
 - 6.2.13 require screening of all persons, including a requirement to fill out a questionnaire regarding exposure to the applicable transmittable disease, before they enter any buildings and/or specified areas within Piikani Lands, and carry out contact tracing in the event that a person reports exposure to the transmittable disease; and/or
 - 6.2.14 require such other measures as Council deems appropriate in the circumstances to prevent the spread of the applicable transmittable disease.
- 6.3 Reconsideration of Measures. Council shall review any measures that it has required pursuant to Section 6.2 on a bi-weekly basis, and may extend, remove, or change any such measure by Band Council Resolution taking into account the level of risk associated with the applicable transmittable disease and its spread in the general population and on Piikani Lands.

PART 7 – COUNCIL DUTIES AND RIGHTS

- 7.1 Piikanissini. Council shall at all times exercise its authority under this By-law in accordance with the principles and values set out in Piikanissini, as described in Schedule "B" to this By-law.

- 7.2 Confidentiality. Council shall, at all times, maintain strict confidentiality over all personal information, including all criminal record check reports and documentation provided to it pursuant to this By-law. Council may only use such personal information for the purposes specified in this By-law, and may not disclose any such personal information to any third parties.
- 7.3 Conflict of Interest. All Council members must make a timely and full disclosure to the rest of Council in any situation where they have a conflict of interest or an appearance of a conflict of interest. In the event that a Council member makes such a disclosure, such Council member must recuse him or herself from any discussions regarding the matter, and must refrain from making any decisions, or seeking to influence any other Council member, with respect to such matter.
- 7.4 Signage. Council may, from time to time, post such signs in and around Piikani Lands as Council considers appropriate to bring attention to the requirements under this By-law, including by referencing this By-law or any provision herein.

PART 8 – IMMUNITY AND APPEALS

- 8.1 General. No action for damages lies or may be instituted against present or past Council, an Officer, or members, employees, representatives or agents of either Piikani Nation or Council:
- (a) for anything said or done or omitted to be said or done by that person in the actual or required performance of the person's duty or exercise of their authority; or
 - (b) for any alleged neglect or default in the actual or required performance of the person's duty or exercise of their authority.
- 8.2 No Defence. Section 8.1 does not provide a defence if:
- (a) the person in relation to the conduct that is the subject matter of the action, has been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
 - (b) the cause of action is libel or slander.
- 8.3 No Liability. None of Piikani Nation, present or past Council, or members, employees, representatives or agents of any of Piikani Nation or Council are liable for any damages or other loss, including economic loss, sustained by any Person, or to the property of any Person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this By-law or any other Piikani Nation by-law, or from the neglect or failure, for any reason or in any manner, to enforce this By-law or any other Piikani Nation by-law.
- 8.4 Limitation Period. Any actions against Piikani Nation (including Council, and each of their members, employees, representatives or agents) for the unlawful doing of anything that:
- (a) is purported to have been done under the powers conferred by this By-law or any Piikani Nation by-law; and
 - (b) might have been lawfully done if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose.

- 8.5 Appeals. Any appeals of any decisions made pursuant to this By-Law must be made in accordance with appeal by-laws and/or processes established by the Piikani Nation from time to time. For greater certainty, if no appeal by-laws or processes have been established by the Piikani Nation, then there is no appeal right for decisions made pursuant to this By-law.

PART 9 – AMENDMENT

- 9.1 General. Subject to Section 9.3, this By-law may only be amended at a duly convened meeting of Council.
- 9.2 Regular Reviews. The Piikani Nation will review and, if appropriate, amend this By-law in accordance with Section 9.1 every five (5) years, or whenever Council determines, in its sole discretion, that this By-law should be reviewed and, if appropriate, amended.
- 9.3 Minor Amendments. Council may, from time to time, pass a resolution authorizing minor amendments to this By-law for any of the following purposes:
- (a) to correct typographical errors;
 - (b) to reference other relevant, new or amended Piikani Nation by-law(s);
 - (c) to change the applicable entity(ies) having authority over the implementation of this By-law;
 - (d) to align with an order by a court; and
 - (e) to clarify this By-law where there is no reasonable dispute about the intention underlying the original provision.

PART 10 – ENACTMENT

- 10.1 Enactment. This By-law is hereby enacted by the Council of the Piikani Nation at a duly convened meeting held on November 5, 2020.
- 10.2 Coming into Force. This By-law comes into force and is effective as of the first date that it is published by the Piikani Nation Lands Department on the Piikani Nation's web-site.

BE IT KNOWN that this By-law is entitled the *Piikani Nation Trespass By-law, 2021* is hereby enacted by a quorum of Council of the Piikani Nation held on January 13, 2021.

_____	<u>WGC</u>
<u>FKH</u>	_____
<u>DL</u>	<u>RF</u>

Quorum consists of 5 Council members.

Schedule "A" – Band Council Resolution No. 2018-0419-04

BAND COUNCIL RESOLUTION

Chronological no. 2018-0419-04
 File reference no.

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

The council of the PIIKANI NATION				Cash free balance	
				Capital account	\$
Date of duly convened meeting	D	M	Y	Province	Revenue Account
	1	9	04	ALBERTA	\$

DO HEREBY RESOLVE:

WHEREAS: pursuant to their inherent rights and powers and those granted under the *Indian Act*, RSC 1985, c I-6, as amended, the Council of the Piikani Nation is empowered to make decisions on behalf of the Piikani Nation;

AND WHEREAS: pursuant to s. 2(3) of the Indian Act a majority of the Council had a duly convened meeting on the 19th day of April, 2018;

AND WHEREAS: the Council wishes to protect the Nation's interests in ensuring compliance by non-members and businesses with Nation rules and regulations when present on the Piikani Nation Reserve 147 and Peigan Timber Limits 147B;

AND WHEREAS: it is expedient and necessary to implement a process for all non-members and businesses to apply for a permit to enter and do business on the Piikani Nation Reserve 147 or Peigan Timber Limits 147B;

AND WHEREAS: the Piikani Lands Department has established a system of issuing permits to non-members and businesses;

THEREFORE BE IT RESOLVED THAT:

- As of April 11, 2018, all non-members and businesses wishing to enter the Piikani Nation Reserve 147 or Peigan Timber Limits 147B must obtain a "Permit to Enter" from the Piikani Lands Department in advance of undertaking any work on the Piikani Nation Reserve 147 or Peigan Timber Limits 147B.
- Each "Permit to Enter" will be specific to a job site and will not permit access to any other location within the Piikani Nation Reserve 147 or Peigan Timber Limits 147B.
- The fee for each "Permit to Enter" will be \$1,500.00 payable to the Piikani Lands Department.
- Each "Permit to Enter" will be valid for a maximum of one (1) year.
- Non-members and businesses currently working on the Piikani Nation Reserve 147 or Peigan Timber Limits 147B must obtain a "Permit to Enter" from the Piikani Lands Department no later than April 20, 2018.

Quorum 5

(Chief Stanley Grier)

(Councillor Doane Crow Shoe)

(Councillor Fernin Crow Shoe)

(Councillor Brian Jackson)

(Councillor Fabian North Peigan)

(Councillor Lowell Yellow Horn)

(Councillor Troy Knowlton)

(Councillor Keith Grier)

(Councillor Barnaby Provost)

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

Schedule "B" – Standard Terms and Conditions to Permit to Enter

The following standard terms and conditions will be included in all Permits to Enter issued by Council pursuant to Band Council Resolution No. 2018-0419-04:

- a) the requirement to pay the permit fee of \$1,500 to the Piikani Nation Lands Department on the issuance of the permit;
- b) the specific activities permitted by the permittee while on Piikani Lands;
- c) the specific dates and time that the permittee may enter onto Piikani Lands, and any notice requirements for attendance by such permittee on Piikani Lands;
- d) the term of the permit, which term may not exceed one (1) year;
- e) the specific Piikani Lands on which the permittee may cross over and/or enter;
- f) the specific individuals / representatives of the permittee that are authorized to enter Piikani Lands;
- g) the requirement to promptly report any incidents that occur during the permittee's presence on Piikani Lands to the Piikani Lands Department or such other Piikani Nation representatives specified in the permit;
- h) the requirement to abide with all applicable laws, including all by-laws of the Piikani Nation (including this By-law), while on Piikani Lands;
- i) the requirement to refrain from causing any environmental damage while on Piikani Lands; and
- j) any other terms and conditions that Council considers necessary to ensure the protection of the Piikani Nation and Piikani Lands.

Schedule "C" – Piikanissini Declaration

PIIKANISSINI

Piikanissini, the way of life of the Piikani, sets out the inherent values and principles of the Akaa Piikani, the ancient Piikani people.

The Akaa Piikani were a member of the Siksikatsiitapiwa, the Blackfoot People, comprised of Kainaiwa, Siksikawa, and Piikaniwa; the Siksikatsiitapiwa marked their Blackfoot territory since time immemorial by significant Blackfoot landmarks, in the north by the North Saskatchewan River, on the east beyond the Great Sand Hills, on the south by the Yellowstone River, on the west by the Continental Divide; the said territory given to the Siksikatsiitapiwa by Istipatahyopi, the Source of Life, to coexist with all his creation; the Siksikatsiitapiwa integrated with the said territory through stories, songs and ceremonies; and as a people, collaborated to maintain a distinct language, spirituality and culture, as well as familial, economic, social and governmental relationships.

The Piikani were originally located in the Siksikatsiitapiwa territory in one geographic area, nevertheless, since the imposition of the international boundary, the Piikani have been geographically divided into two groups. The Aapatohsipiikani (North Piikani), located in Canada, and the Amsskapipiikani (South Piikani), located in the United States.

The Aapatohsipiikani, also referred to as the Piikani for the purposes of this document, wish to maintain their unique language, spirituality and culture as a people, while sustaining their family and social relationships, and traditional governmental systems.

The Aapatohsipiikani further strive to enhance their lives as a people by advancing the political interests of the Piikani, which includes protecting the treaty and aboriginal rights of the people, and promoting education programs and economic interests that benefit the people. The Piikani, in their pursuit to complete such endeavours, will further strive to ensure that the values, principles and integrity of the Piikani is preserved in the process.

The Aapatohsiipiikani or Piikani, in respect of the foregoing, make the following declaration:

WHEREAS the Piikani, descendants of the Akaa Piikani, are a member of the Siksikatsiitapiwa;

AND WHEREAS the Piikani, originally utilized specific areas within the territory of the Siksikatsiitapiwa, namely, those areas marked on the north by the North High River, on the south east by the Little Bow River, on the south by the Kootney River, on the west by the Great Divide;

AND WHEREAS the Piikani currently occupy lands on the Peigan Indian Reserve, in particular, those lands identified by Sits Behind the Eagle Tail at Treaty No. 7 as significant areas of the Piikani as marked by Crowlodge Creek, the Old Man River and the Porcupine Tails (Hills);

AND WHEREAS Piikani, although faced with many challenges as a people, have continually strived to maintain their language, spirituality and culture distinct to Piikani, including their family and social relationships, and traditional governmental systems, while promoting political interests, economic interests and education programs that will enhance the lives of the Piikani people;

AND WHEREAS Piikani, in pursuit of all their endeavours, aspire to always uphold and incorporate the values, principles and integrity of the Piikani;

AND WHEREAS Piikani also continue to endeavour to maintain economic, social and governmental relationships with the members of the Siksikatsiitapiwa;

AND WHEREAS Piikani, recognizing that First Nation governments are one of the three orders of government within Canada, will strive to maintain a stable relationship with the other orders of government that is based on principles of mutual respect, coexistence, and information sharing, and where applicable, one that is based on principles of collaboration and cooperation.

NOW THEREFORE THE COUNCIL OF THE PIKANI NATION, also known as the Peigan Nation, DO HEREBY DECLARE THE FOLLOWING:

1. That the Piikani Nation will ensure the values, principles and integrity of the Piikani are upheld in the governance of the Piikani, including a commitment by the Council of the Piikani Nation, that the members of Council and any officer of the Piikani Nation will uphold the principles expressed in this declaration titled "Piikanissini" for the betterment of the Piikani Nation and all members of the Piikani Nation.
2. That the Piikani Nation will continually strive to maintain the language, spiritually and culture distinct to the Piikani, including the family and social relationships, and traditional governmental systems.
3. That the Piikani Nation will continually strive to enhance the lives of the Piikani by promoting political and economic interests, as well as education programs, that will enhance the lives of the Piikani people.
4. That the Piikani Nation will continue to protect the interests of the Piikani in those lands and territory which are integral to the Piikani people.
5. That the Piikani Nation will continue to exercise jurisdiction within the geographic boundaries of the Peigan Indian Reserve as established by treaty, and any such lands deemed to be Peigan Indian Reserve lands; and to continue to exercise extra-territorial jurisdiction for the purposes of protecting the aboriginal and treaty rights of the Piikani Nation as guaranteed by treaty with Her Majesty the Queen in Right of Canada, including any rights inherent to the Piikani Nation.
6. That the Piikani Nation will continue to endeavour to maintain economic, social and governmental relationships with the members of the Siksikatsitapiwa.
7. That the Piikani Nation affirms that First Nation governments are one of the three orders of government within Canada; and in that respect, the

Piikani will strive to maintain a stable relationship with the other orders of government that is based on principles of mutual respect, coexistence, and information sharing, and where applicable, one that is based on principles of collaboration and cooperation.

The Piikani Nation, or Peigan Nation, as represented by the Council of the Piikani Nation, do hereby declare and ratify this document titled "PIIKANNISSINI" this _____ day of _____ 2002.

PEIGAN NATION CHIEF AND COUNCIL

Chief Peter Strikes with a Gun

Councillor Lionel ~~Crowshoe~~ Crowshoe

Councillor Edwin Small Legs

Councillor Brian H. Jackson

Councillor Daniel (Woody) Northman

Councillor Terry Yellow Horn

Councillor Harriet North Peigan

Councillor Albertine ~~Crowshoe~~
Crowshoe

Councillor Troy W. Knowlton

Councillor Roberta J. Yellow Horn

Councillor Erwin Bastien

Councillor Corbin Provost

Councillor Neil Sharp Adze