

Netmizaaggamig Nishnaabeg Trespassing and Safety Naaknigewin

PREAMBLE

We the Anishinaabe people of the Netmizaaggamig Nishnaabeg have inherent rights over our lands and waters, and have been entrusted with the care of our lands and waters by the Creator today and for future generations; and,

As part of this trust given to us by the Creator, we are responsible for preserving and protecting our inherent rights, our values, our language and our culture for future generations; and,

We the Anishinaabe people of the Netmizaaggamig Nishnaabeg have never ceded, surrendered, or in any way extinguished any of our Aboriginal title to our lands and waters and will continue to assert our interests and to continue to exercise our inherent Aboriginal and treaty rights over our traditional territory; and,

WHEREAS our *Pic Mobert First Nation Chi-Naaknigewin* – our supreme Naaknigewin – empowers us to create Naaknigewin governing our community and is affirmed by sections 1 and 35 of the *Constitution Act, 1982*, of Canada, and confirmed by the *United Nations Declaration on the Rights of Indigenous Peoples*;

AND WHEREAS this Naaknigewin is implemented by the Naaknigewin-Making Process established in Article 11 of our *Pic Mobert First Nation Chi-Naaknigewin*;

AND WHEREAS the Netmizaaggamig Nishnaabeg has Aboriginal and treaty rights and other rights and freedoms that are recognized and affirmed by the Constitution of Canada;

AND WHEREAS we as Gimaa and Council, as the elected leadership of Netmizaaggamig Nishnaabeg have jurisdiction to pass a Naaknigewin for the good government of the Nation's citizens, lands and resources;

AND WHEREAS a person, other than Netmizaaggamig Nishnaabeg members, who enters onto the Netmizaaggamig Nishnaabeg Territory without the express authority of the Netmizaaggamig Nishnaabeg is trespassing on Netmizaaggamig Nishnaabeg Territory and any implied or express invitation to that person is revoked until they obtain the necessary authorization pursuant to this Naaknigewin;

AND WHEREAS we Netmizaaggamig Nishnaabeg wish to address and prevent gang presence, drug activity, and violence in our community through the exercising of sovereignty over land, including control over access to the land;

AND WHEREAS Netmizaaggamig Nishnaabeg Gimaa and Council are concerned that the safety and protection of Netmizaaggamig Nishnaabeg members which is being adversely affected by the increase in the number of unlawful trespassers who are transporting drugs into the community and thereby creating a significant threat to the collective well-being of the community and to the lives of its members, which has been demonstrated to be a major contributor to ill-health, addiction and social disorder within the Netmizaaggamig Nishnaabeg Territory;

AND WHEREAS the Gimaa and Council of Netmizaaggamig Nishnaabeg is also empowered to enact such a Naaknigewin under section 81(1) (c) (d) (p) and (r) of the *Indian Act* to regulate Naaknigewin and order, the prevention of disorderly conduct, to remove and punish trespassers, and to provide for the imposition of summary conviction for failure to follow the Naaknigewin;

AND WHEREAS Netmizaaggamig Nishnaabeg is entitled to the seizure, detention, search and forfeiture of goods and chattels pursuant to section 103 *Indian Act* when they have reasonable ground to believe that this *Netmizaaggamig Nishnaabeg Trespassing and Safety Naaknigewin* has been contravened.

NOW THEREFORE we the Gimaa and Council of the Netmizaaggamig Nishnaabeg, acting under our inherent jurisdiction and in accordance with our *Chi-Naaknigewin*, make the following Naaknigewin:

TITLE

1. This Naaknigewin may be cited as the *Netmizaaggamig Nishnaabeg Trespassing and Safety Naaknigewin (Trespass Naaknigewin)*;

DEFINITIONS / INTERPRETATION

2. The following definitions apply in this Naaknigewin:
 - a. "Appeal Committee" means a committee appointed by the Gimaa and Council to determine appeals of this Naaknigewin. The Appeal Committee shall have a minimum of three committee members and can include members of the Netmizaaggamig Nishnaabeg or be part of a larger Appeal Committee established within the Nokiiwin Tribal Council;
 - b. "Band Council Resolution" or "BCR" means a written resolution or authorizing document of Gimaa and Council adopted at a duly convened meeting of the elected Council of Netmizaaggamig Nishnaabeg;
 - c. "Council" or "Councillor" means, along with the Gimaa, the elected governing body of the Netmizaaggamig Nishnaabeg;
 - d. "Gimaa" (Chief) means the person elected as the Gimaa in accordance with any Netmizaaggamig Nishnaabeg election Naaknigewin that may be enacted or amended from time to time in accordance with the Netmizaaggamig Nishnaabeg Chi-Naaknigewin;
 - e. "Gimaa and Council" means the duly elected Gimaa and Council of the Netmizaaggamig Nishnaabeg;
 - f. "Hawking, Peddling and Selling" means and includes going from place to place on Netmizaaggamig Nishnaabeg Territory to buy, sell or otherwise deal in wares, goods, merchandise or services, or offering or exposing for sale on the Netmizaaggamig Nishnaabeg Territory to any person by means of samples, cuts, blueprints, pictures,

merchandise, illegal drugs, drug paraphernalia, etc., to be afterwards delivered or shipped onto the land;

- g. “Identifying Information” means any information, recorded in any form, about a person or persons whose identity may be determined from such information, including vehicle information, for the purposes of identification of trespassers. This includes information that directly identifies you or by which we can identify you, such as your name, your family name and lineage history, including children's name, parents and grand-parent's names and birth dates, address, email address, phone numbers, birth date, Indian Registration number;
- h. “Illegal Drugs” means those drugs and substances prohibited and controlled under the *Controlled Drugs and Substances Act* including the use of non-prescription drugs and other intoxicants as prescribed in this Naaknigewin;
- i. “Member” or “Netmizaaggamig Nishnaabeg Member” means a person whose name appears on the Netmizaaggamig Nishnaabeg membership list or who is entitled to have his or her name appear on the Netmizaaggamig Nishnaabeg membership list;
- j. “Naaknigewin” means Law;
- k. “Netmizaaggamig” translates to ‘The First Lake’ past the big lake as you paddle north from Lake Superior on the White River’;
- l. Netmizaaggamig Nishnaabeg” refers to the ‘people of the community.’ For this Naaknigewin, any reference to Netmizaaggamig Nishnaabeg is a reference to the Nation. Netmizaaggamig Nishnaabeg was previously described as Pic Mobert First Nation. In 2021 and in 2024 the name was reclaimed based on the “unceded” nature of the Nation. Any reference in this Naaknigewin to Pic Mobert refers to Netmizaaggamig Nishnaabeg. The name Pic Mobert is still identified in other Netmizaaggamig Nishnaabeg Naaknigewin and policies, and shall be used interchangeably within this Naaknigewin(s);
- m. “Netmizaaggamig Nishnaabeg Territory” means a small Anishinaabe Ojibwe community on the North Eastern interior of Lake Superior located on Netmizaaggamig (White Lake). White Lake has always been central to Netmizaaggamig Nishnaabeg. Our Territory spans two parcels, referred to as Pic Mobert North and Pic Mobert South, located where the White River meets White Lake;
- n. “Notice of Trespass” is a formal notice that a person is not permitted to enter, be on, or in Netmizaaggamig Nishnaabeg Territory, which includes a requirement to appeal within 20 days;
- o. “Officer” means a Peace Officer described in the *s. 2 Criminal Code of Canada*, a By-Law Enforcement Officer, a Community Safety Officer, a Police Constable, the Ontario Provincial Police (OPP) or another Ontario Police Service with the duty to preserve and maintain the public peace and includes any person duly appointed by

the Gimaa and Council to enforce a Naaknigewin of the Netmizaaggamig Nishnaabeg Territory, such as Police Officers;

- p. “Pic Mobert First Nation Chi-Naaknigewin (Chi-Naaknigewin)” is the Constitution of the Netmizaaggamig Nishnaabeg. The Chi-Naaknigewin contains the guiding principles and the Naaknigewin-making authority of Netmizaaggamig Nishnaabeg;
- q. “Police” means any Police Constable, Officer or other person or persons charged by the Ontario Provincial Police (OPP) or another Ontario Police Service with the duty to preserve and maintain the public peace;
- r. “Premises” means lands and structures and either of them on Netmizaaggamig Nishnaabeg Territory and includes buildings or structures on it, including but not limited to private and commercial properties;
- s. “Trespass” means any act that constitutes trespass under the common Naaknigewin and the *Netmizaaggamig Nishnaabeg Territory Trespassing and Safety Naaknigewin*, and includes entering or remaining on Netmizaaggamig Nishnaabeg without Naaknigewinful justification, consent of the Netmizaaggamig Nishnaabeg, or engaging in a prohibited activity on Netmizaaggamig Nishnaabeg Territory.

APPLICATION

- 3. This Naaknigewin applies to anyone on or entering upon Netmizaaggamig Nishnaabeg Territory.

PURPOSE

- 4. The purpose of this Naaknigewin is to protect the safety and well-being of the Netmizaaggamig Nishnaabeg community by controlling which persons are permitted to enter and have access to Netmizaaggamig Nishnaabeg Territory.

COMPLIANCE WITH OTHER NAAKNIGEWIN

- 5. Nothing in this Naaknigewin relieves a person from complying with any other applicable Naaknigewin, including any applicable statute, regulation, Naaknigewin, code, judgement or order.
- 6. This Naaknigewin, federal laws, and provincial laws will exist concurrently. This Naaknigewin will prevail to the extent of any inconsistency or conflict with other such laws.
- 7. Officers will have the authority under this Naaknigewin to collect and share information, including identifying documents, vehicle information, and information identifying trespassers, as well as any information collected under and in accordance with this Naaknigewin, with the local policing agency.
- 8. No action or proceeding for damages shall be instituted against the Gimaa and Council of Netmizaaggamig Nishnaabeg, an Officer or any person employed or contracted by

Netmizaaggamig Nishnaabeg for any act done in good faith in the administration of that person's duties under this Naaknigewin.

IDENTIFICATION OF TRESPASSERS

9. No person shall trespass on Netmizaaggamig Nishnaabeg Territory.
10. A person in the Netmizaaggamig Nishnaabeg Territory who is not a Netmizaaggamig Nishnaabeg member is presumed to be a trespasser, or until proven otherwise, pursuant to this Naaknigewin.

AUTHORITY OF GIMAA AND COUNCIL

11. Gimaa and Council may identify a person as a trespasser and may exclude any individual at any time from Netmizaaggamig Nishnaabeg Territory or premises within Netmizaaggamig Nishnaabeg Territory.
12. Gimaa and Council may impose conditions or limits on any individual with respect to attendance on Netmizaaggamig Nishnaabeg Territory.
13. Gimaa and Council may impose conditions or limits on any individual with respect to attendance on premises, and may prescribe hours, dates or times when that individual is permitted or prohibited from attending at or on those premises, or restricting that individual to specified premises during specific hours, dates or times, and shall arrange for personal service of a BCR to that effect upon the individual unless service can only be effected by other forms or notice pursuant to this Naaknigewin.
14. Gimaa and Council may remove and exclude any individual permanently or for a specified period of time from entering upon any and all premises.

PROHIBITED PURPOSES

15. Gimaa and Council may identify individuals as trespassers if a person, Officer or Gimaa and Council has a reasonable suspicion that the individual is involved in illegal or prohibited activities, as defined in section 16 of this Naaknigewin.
16. A person who conducts any of the following prohibited activities on Netmizaaggamig Nishnaabeg Territory,
 - a. Hunting, fishing or trapping without permission or legal authority;
 - b. Engaging in behaviour contrary to the *Criminal Code*, including but not limited to acts of violence and/or sexual violence;
 - c. Engaging in behaviour contrary to the *Criminal Code*, including but not limited to the possession, sale and/or trafficking of substances contrary to the *Controlled Drugs and Substances Act*;
 - d. Hawking, Peddling and/or Selling;

- e. Loitering or soliciting;
- f. Squatting or remaining in a premises without permission;
- g. Dumping refuse or waste, including contaminated oilfield products; and
- h. Any other activity that is prohibited by federal or provincial Naaknigewin or by the Netmizaaggamig Nishnaabeg Territory

shall be deemed to be frequenting Netmizaaggamig Nishnaabeg Territory for a prohibited purpose and to be trespassing on Netmizaaggamig Nishnaabeg Territory.

OFFICERS

17. Gimaa and Council may appoint, by BCR and/or by the implementation of a policy, Officers to provide for the administration and enforcement of this Naaknigewin.

OFFICER POWERS

18. An Officer may require and collect from a person seeking to enter Netmizaaggamig Nishnaabeg Territory, by request or demand, observation, photograph, video/CCTV, or other means, as appropriate to meet the purposes of this Naaknigewin, including, but not limited to,
 - a. vehicle information; and
 - b. identifying information.
19. An Officer may order any person who is trespassing to immediately leave Netmizaaggamig Nishnaabeg Territory.
20. Without restricting any other power, duty or function granted by this Naaknigewin, the Officer may take immediate actions, which include,
 - a. refusing to provide authorization for entry into Netmizaaggamig Nishnaabeg Territory;
 - b. indicating to a person not authorized entry into Netmizaaggamig Nishnaabeg Territory under this Naaknigewin that they are trespassing and thereby committing an offence if they proceed;
 - c. directing a person not authorized to enter Netmizaaggamig Nishnaabeg Territory to immediately leave Netmizaaggamig Nishnaabeg Territory; and,
 - d. notifying any police service, Council or any relevant authorities, as appropriate, of offences and trespassers, and providing all relevant information as required.

21. A person who fails or refuses to obey an order made by an Officer commits an offence and any Officer may take such reasonable measures as may be necessary to remove the person from Netmizaaggamig Nishnaabeg Territory including apprehending the person and forthwith taking the person before the nearest Judge of the Provincial Court or Justice of the Peace to be dealt with according to Naaknigewin.
22. No person shall gain access to Netmizaaggamig Nishnaabeg Territory without providing on demand, the required information and documentation under section 18 to any Officer upon request.

ARREST WITHOUT WARRANT

23. An Officer may arrest without warrant any person found on or in premises if the Officer believes on reasonable and probable grounds that the person is committing an offence under this Naaknigewin.
24. A person may be detained and arrested without warrant when any Officer believes on reasonable and probable grounds that a person is trespassing contrary to sections 10 or 16 of this Naaknigewin and,
 - a. refuses to give an Officer identifying information and information provided under section 18 on demand;
 - b. gives an Officer identifying information or information provided under section 18 that the Officer believes on reasonable and probable grounds to be false; or,
 - c. refuses to leave Netmizaaggamig Nishnaabeg Territory upon being ordered to do so by an Officer.
25. Police do not require an order from a Court prior to enforcing this Naaknigewin.

PROTECTION OF PERSONS ACTING UNDER AUTHORITY

26. Every one who is required or authorized by Naaknigewin to do anything in the administration or enforcement of the Naaknigewin,
 - a. as a private person;
 - b. as a peace officer or Officer;
 - c. in aid of a peace officer or Officer; or
 - d. by virtue of his office,

is, if he or she acts on reasonable grounds, justified in doing what he or she is required or authorized to do and in using as much force as is necessary for that purpose in accordance with section 25 *Criminal Code of Canada*.

27. A person is not justified for the purposes of section 26 in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

NOTICE OF TRESPASS

28. An Officer, Gimaa and Council or anyone else appointed by Gimaa and Council to enforce this Naaknigewin, may issue a Notice of Trespass to any person found to be trespassing on Netmizaaggamig Nishnaabeg Territory.
29. A person served with a Notice of Trespass shall:
- a. Vacate Netmizaaggamig Nishnaabeg Territory immediately or as indicated on the Notice of Trespass;
 - b. Vacate Netmizaaggamig Nishnaabeg Territory premises immediately or as indicated on the Notice of Trespass;
 - c. Remove any building, structure or thing required to be removed by the Notice of Trespass, immediately or as indicated on the Notice of Trespass;
 - d. Abide by all conditions, if any, specified in the Notice of Trespass; and,
 - e. Refrain from re-entering Netmizaaggamig Nishnaabeg Territory, except under conditions permitted under this Naaknigewin or as indicated on the Notice of Trespass.
30. A Notice of Trespass will be in effect until it is overturned by the Appeal Committee.

APPEAL NOTICE OF TRESPASS

31. A person who has been served a Notice of Trespass can appeal the decision to the Appeal Committee by filing an Appeal within twenty (20) days of receipt of the Notice of Trespass.
- a. If a person served with a Notice of Trespass does not appeal the Notice of Trespass within twenty (20) days, the person shall be deemed a trespasser
 - b. The twenty (20) day deadline to file an Appeal may be extended by the Appeal Committee upon request.
32. Within thirty (30) days of receipt of an Appeal, the Appeal Committee shall hold a hearing to determine if the Appellant is a trespasser,
- a. Following the hearing, the Appeal Committee shall determine if the Appellant will be deemed a Trespasser or if the Notice of Trespass will be rescinded;
 - b. A decision of the Appeal Committee is final.

33. Gimaa and Council may, by Band Council Resolution and/or by the implementation of a policy, provide for the administration of the Appeal Committee and Appeal hearing process.
34. At least one (1) year following receipt of a Notice of Trespass and/or decision of the Appeal Committee, an Appellant can reapply to the Appeal Committee to request that the Notice of Trespass be rescinded,
 - a. Before an Appellant can reapply for the Notice of Trespass to be rescinded in accordance with section 33, the Appellant shall attend the Nokiiwin Restorative Justice Program or an equivalent and provide proof of attendance to the Appeal Committee.

CESSATION OF SERVICES

35. When a person has received a Notice of Trespass and/or has been deemed a trespasser in accordance with this Naaknigewin, all services provided by Netmizaaggamig Nishnaabeg to that person may be discontinued.

PRESERVATION OF COMMON LAW DEFENCES

36. Except as varied by this Naaknigewin, common law defences to Trespass shall be preserved.

CIVIL REMEDIES

37. All civil remedies for trespass shall be preserved.

FORM OF SIGN

38. A sign naming an activity or showing a graphic representation of an activity is sufficient for the purpose of giving notice that the activity is permitted.
39. A sign naming an activity with an oblique line drawn through the name or showing a graphic representation of an activity with an oblique line drawn through the representation is sufficient for the purpose of giving notice that the activity is prohibited.

OFFENCES AND PENALTY

40. A person is guilty of an offence who:
 - a. trespasses on Netmizaaggamig Nishnaabeg Territory contrary to sections 10, 16, 28, 29, or 32;
 - b. enters Netmizaaggamig Nishnaabeg Territory following exclusion under this Naaknigewin;

- c. does not immediately leave Netmizaaggamig Nishnaabeg Territory upon being directed to leave by any Officer; or,
 - d. obstructs, interferes or hinders an Officer in the performance of their duties by misleading them, making false declarations or failing or refusing to disclose any identifying information to the Officer upon demand as required by this Naaknigewin.
41. A person guilty of an offence under section 40 is liable to a penalty of:
- a. a fine not greater than \$1000.00;
 - b. a term of imprisonment not to exceed 30 days;
 - c. or both and,
 - d. immediate removal from Netmizaaggamig Nishnaabeg Territory.
42. The summary conviction procedures of Part XXVII of the Criminal Code, R.S.C. 1985, c. 46, apply to offences under this Naaknigewin.

PROSECUTION

43. Netmizaaggamig Nishnaabeg may, in relation to prosecutions of contraventions of the Naaknigewin,
- a. retain its own prosecutors;
 - b. enter into an agreement with His Majesty's provincial government for the use of the provincial prosecutors; and,
 - c. enter into an agreement with His Majesty for the use of agents engaged by His Majesty.

SEIZURE OF GOODS

44. (1) Whenever an Officer believes on reasonable grounds that this Naaknigewin has been contravened or an offence has been committed, he or she may seize all goods and chattels by means of or in relation to which he or she believes on reasonable grounds the Naaknigewin was contravened or the offence was committed,
- a. All goods and chattels seized pursuant to section 44(1) may be detained for a period of three months following the day of seizure unless during that period proceedings are undertaken under this Naaknigewin in respect of the offence, in which case the goods and chattels may be further detained until the proceedings are finally concluded;
 - b. Where a person is convicted of an offence in this Naaknigewin, the convicting court or judge may order that the goods and chattels by means of or in relation to which the offence was committed, in addition to any penalty imposed, are forfeited to

Netmizaaggamig Nishnaabeg and may be disposed of as the Netmizaaggamig Nishnaabeg directs;

- c. A Justice who is satisfied by information on oath that there is reasonable ground to believe that there are in a reserve or in any building, receptacle or place any goods or chattels by means of or in relation to which an offence against any of the sections of this Naaknigewin has been, is being or is about to be committed may at any time issue a warrant under their hand authorizing a person named therein or an Officer at any time to search the reserve, building, receptacle or place for any of those goods or chattels.

AMENDMENT

45. This Naaknigewin was duly passed by Gimaa and Council in accordance with the *Chi-Naaknigewin* and can be amended by Gimaa and Council in accordance with the *Cchi-Naaknigewin* and the traditions and customs of Netmizaaggamig Nishnaabeg.
46. Gimaa and Council may make amendments to this Naaknigewin that do not change the substance by Band Council Resolution made at a duly convened meeting of the Gimaa and Council. Such revisions include, but are not limited to,
 - a. Corrections to clerical, grammatical, or typographical errors;
 - b. Minor improvements to the language of this Naaknigewin;
 - c. Changes as may be required to reconcile seemingly inconsistent provisions;
 - d. Amendments to reference any new or amended Naaknigewin(s) that are relevant to this Naaknigewin.

FEES AND FORMS

47. Gimaa and Council may, by BCR and in accordance with this Naaknigewin, establish, correct, revise or update the terms of any applicable fee and fine schedules, forms, protocols, written policies and Terms of Reference, and/or other related documentation which assist with the applicability, enforcement and prosecution of this Naaknigewin, and will make a copy of same available for the public.

SEVERANCE

48. Should a court determine that a provision of this Naaknigewin is invalid for any reason, the provision shall be severed from the Naaknigewin and the validity of the rest of the Naaknigewin shall not be affected.
49. While in place, such measures under this Naaknigewin will be subject to review to ensure compliance with this principle of reasonability and justifiability.
50. Gimaa and Council shall ensure that a copy of this Naaknigewin is available for public inspection.

COMING INTO FORCE

51. This Naaknigewin comes into force and is effective as of the date the Gimaa and Council signs the Naaknigewin pursuant to section 81(1)(2)(3) of the *Indian Act* (R.S.C., 1985, c.1-5) and enacted by the Council as evidenced by a Band Council Resolution on the 2nd day of September in the year 2025.

PUBLICATION

52. Upon enacting this Naaknigewin, Gimaa and Council shall,
- a. publish in the First Nation Gazette;
 - b. post this Naaknigewin on their official Netmizaaggamig Nishnaabeg website;
 - c. post this Naaknigewin in a public area in the Netmizaaggamig Nishnaabeg Administration Building.