



BAND COUNCIL RESOLUTION

Chronological no.
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 Penelakut Tribe		Cash Free Balance Capital Account \$ _____
Date of duly convened meeting dd-mon-yr 30-Jul-19	Province British Columbia	Revenue Account \$ _____

WHEREAS: Penelakut Tribe needs a Trespass By-Law;

**PENELAKUT FIRST NATION
TRESPASS BY-LAW No. 2019-01**

BACKGROUND:

- A. The council of the Penelakut First Nation desires to establish a By-law to regulate traffic on Penelakut Indian Reserve No. 7. The First Nation has Aboriginal Title to the Reserve.
- B. The Council of the Penelakut First Nation is empowered to make such a By-law, and any matter ancillary thereto pursuant to paragraphs 81 (1)(b), (p), (q) and (r) of the Indian Act and under the right to manage Aboriginal title land.
- C. It is deemed to be expedient and necessary, for the benefit, comfort and safety of the residents and members of the Reserve, to restrict vehicles not belonging to Penelakut First Nation members and to provide for the removal of persons trespassing.

NOW THEREFORE the council of the Penelakut First Nation hereby resolves to make the following Trespass By-law:

Short Title

- 1. This By-law may be cited as the "Trespass By-law".

Interpretation

- 2. In this By-law,

"Council" means the Council of the Penelakut First Nation as defined in the Indian Act;

"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 the council for the purpose of maintaining law and order on the Reserve;

"Reserve" means Reserve No. 7 of the Penelakut First Nation; and

"Trespass" means entering or remaining without lawful authority on the Reserve or without the authorization of the First Nation.

Trespass Prohibited

- 3. A person who uses any road on the Reserve or otherwise transits or occupies the Reserve shall be deemed to be in Trespass, other than a person referred to in paragraph 4.

Right of Access

- 4. Paragraph 4 does not apply to the following persons who have a right of access to the Reserve:

- a) member of Penelakut First Nation and their invitees; or
- b) a person who has written authorization from the Chief or Band Administrator of the Penelakut First Nation.

Trespass of Premise an Offence

- 5. Any person who enters the Reserve without the authorization of the First Nation under 4(b), is guilty of an offence.

Method of Giving Notice

6. A notice under this By-law may be given,

a) orally or in writing; or

b) by means of signs posted so that a sign is clearly visible under normal conditions from the approach to each ordinary point of access to the Reserve.

7. For the purposes of this By-law, the First Nation may provide verbal or written notice to persons trespassing on the Reserve to refrain from entering or from remaining on the Reserve.

8. A sign posted for the purposes of this By-law shall bear the words, "No Trespassing through the Reserve by any person not a member of the Penelakut First Nation. As ordered by the Penelakut First Nation, TRESPASS BY-LAW No.2019-01."

Enforcement

9. An Officer may order any person who is in Trespass to leave the Reserve immediately.

10. Where a person fails or refuses to obey an order made under paragraph 9, an Officer may take such reasonable measures as may be necessary to remove the person from the Reserve.

11. No person shall fail or refuse to comply with an order made under paragraph 9, or shall resist or interfere with an Officer acting under paragraph 10.

Penalty

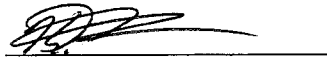
12. A person who violates any provision of this By-law commits an offence and is liable on summary conviction to a fine not exceeding \$1 000.00 or to imprisonment for a term not exceeding thirty days, or both.

THIS BY-LAW IS HEREBY made and approved at a duly convened meeting of the Council of the Penelakut First Nation this 30th day of July, 2019.

Quorum Five (5)

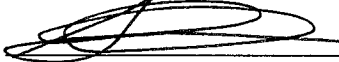
Councillor


Councillor


Councillor



Chief


Councillor


Councillor


Councillor


Councillor


Councillor


Councillor