



Keeseekoowenin Ojibway First Nation

Treaty No. 2 - The Riding Mountain Band

P.O. Box 100, Elphinstone, Manitoba R0J 0N0 Phone: (204) 625-2004 Fax: (204) 625-2042

CHIEF: Norman Bone COUNCIL: Barry Bone - Manuel Burns - Allison McKay - Robyn Nabess

BACKGROUND:

- A. The Chief and Council of the Keeseekoowenin First Nation desires to establish a By-law to regulate access to the Reserves and to provide for removal of persons trespassing.
- B. The Chief and Council of the Keeseekoowenin First Nation is empowered to make such a By-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(p), (q) and (r) of the Indian Act. See attached "Appendix A" for legal description of lands.
- C. It is deemed to be expedient and necessary, for the benefit, comfort and safety of the residents and members of the Reserve, to provide for the removal of persons trespassing.

NOW THEREFORE the Chief and Council of the Keeseekoowenin First Nations hereby resolves to make the following Trespass By-law:

Short title

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

Interpretation

2. In this By-law,

"Chief and Council" means the Chief and Council of the Keeseekoowenin First Nation as defined in the *Indian Act*;

"Occupier" includes,

- a) the Chief and Council in its capacity of managing Premises owned by the Keeseekoowenin First Nation;
- b) a person who is in lawful possession of a Premise pursuant to a certificate of possession, lease, permit or allotment by Chief and Council; or
- c) a person who has the responsibility for and control over the condition of a Premise or the activities carried on there, or control over persons allowed to enter the Premises;

"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 Chief and Council for the purpose of maintaining law and order on the Reserves;

"Premise" means a residential home, building, improvement, structure, trailer, portable structure or fenced lot used for a residence, business or by the Keeseekoowenin First Nation;

"Reserve" means the Reserves of the Keeseekoowenin First Nations, including 61, 61A and 61B Reserve lands;

"Trespass" means entering or remaining without lawful authority in a Premise, on the Reserve or without the authorization of an Occupier.

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Designation of Areas

3. The Chief and Council may, by Band Council resolution,
 - a) designate locations and lots on the Reserve, including the foreshore, which are open or restricted to the public and at which “no Trespass” notices shall be installed; and
 - b) designate locations on the Reserve in which the carrying on of certain activities is permitted or prohibited, including the use of an all-terrain vehicle (ATV).

Prohibited Purposes and Trespass

4. A person, other than a person referred to in paragraph 5, who conducts any of the following activities on the Reserve, namely
 - a) hunting, fishing or trapping, except by Band members who have the exclusive right to hunt, fish and trap on the Reserve;
 - b) hawking or peddling of wares or merchandise;
 - c) loitering;
 - d) camping, except in areas of the Reserve designated by Chief and Council pursuant to paragraph 3;
 - e) accessing the foreshore, except in areas of the Reserve designated by Council pursuant to paragraph 3;
 - f) operation of an all-terrain vehicle (ATV), non-motorized vehicle or vehicle on roads and trails that are not open to the public, except in areas of the Reserve designated by the Chief and Council pursuant to paragraph 3;
 - g) dumping of refuse;
 - h) soliciting financial assistance; or
 - i) any other activity that is prohibited by law or a Band-by-law,shall be deemed to be frequenting the Reserve for a prohibited purpose and in Trespass.

Right of Access

5. Paragraph 4 does not apply to the following persons who have a right of access to the Reserve:
 - a) members of the First Nation;
 - b) a person who is a lawful resident of the Reserve and their invitees subject to the terms and conditions of the residential tenancy agreement;
 - c) a person who has authorization from the First Nation;
 - d) a lessee and their invitees subject to the terms and conditions of the lease;
 - e) a permittee and those granted a right of an access under the permit subject to the terms and conditions of the permit;
 - f) a person authorized by a law or Band By-law;
 - g) a person travelling on a public road through the Reserve;
 - h) a person participating in authorized activities by the Band; or

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- i) a person who is accessing the Reserve for any social or business purpose at the permission of the First Nation,
- except as may be limited by paragraph 3.

Trespass of Premise an Offence

6. Everyone who does not act under a right or authority conferred by law and who, without the express permission of the Occupier or the Chief and Council, whichever is applicable,
- a) enters a Premise when entry is prohibited by notice,
- b) engages in an activity in the Premise when the activity is prohibited by notice, or
- c) does not leave the Premise immediately after he or she is directed to do so by the Occupier of the Premise or a person authorized by the Occupier,
- is guilty of an offence.
7. Entry on a Premise may be prohibited by notice to that effect and entry is prohibited without any notice on a Premise that is enclosed or fenced in a manner that indicates the Occupier's intention to keep persons out of the Premise or to keep animals on the Premise.

Method of Giving Notice

8. 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 in daylight under normal conditions from the approach to each ordinary point of access to the Premise or the area of the Reserve to which it applies.
9. For purposes of this By-law, a person has notice not to Trespass or not to engage in certain activities when he or she has been given notice by word of mouth or in writing by the Chief and Council, an Officer or an Occupier, as applicable, to refrain from entering or from remaining on the Premises or the Reserve.
10. A sign posted for purposes of this section shall bear the words "no trespassing" or "carrying on of (describe the activity) is prohibited within (describe the area)".
11. Every person who tears down, removes, damages, defaces or covers up a sign posted under this By-law that has been posted by the Chief and Council or the Occupier commits an offence.

Enforcement

12. An Officer may order any person who is in Trespass to leave the Reserve or Premises immediately and may order any person who engages in a prohibited activity to cease immediately.
13. Where a person fails or refuses to obey an order made under paragraph 12, an Officer may take such reasonable measures as may be necessary to remove the person from the Premises or the Reserve.
14. No person shall fail or refuse to comply with an order made under paragraph 12, or shall resist or interfere with an Officer acting under paragraph 13.

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Penalty

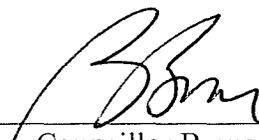
15. A person who violates any provision of this By-law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or both.

THIS BY-LAW IS HEREBY made and approved at a duly convened meeting of the Chief and Council of the Keeseekoowenin First Nation this 6 day of September, 2017.

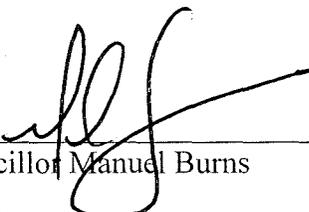
Voting in favour of the By-law are the following members of the Chief and Council:



Chief Norman Bone



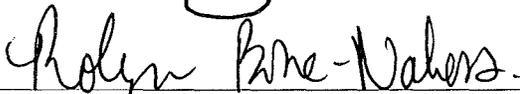
Councillor Barry Bone



Councillor Manuel Burns



Councillor Allison McKay



Councillor Robyn Nabess

being the majority of those members of the Chief and Council of the Keeseekoowenin First Nation present at the aforesaid meeting of the Chief and Council.

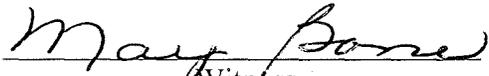
The quorum of the Council is 3 members. The number of members of the Council present at the meeting: _____

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I, Norman Bone, Chief of the Keeseekoowenin First Nation, 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 7 day of September, 2017.



Chief Norman Bone



Witness

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APPENDIX A

LISTING OF THE 3 RESERVE LANDS

DESCRIPTION: KEESECKOOWENIN INDIAN RESERVE LANDS

LOCATION

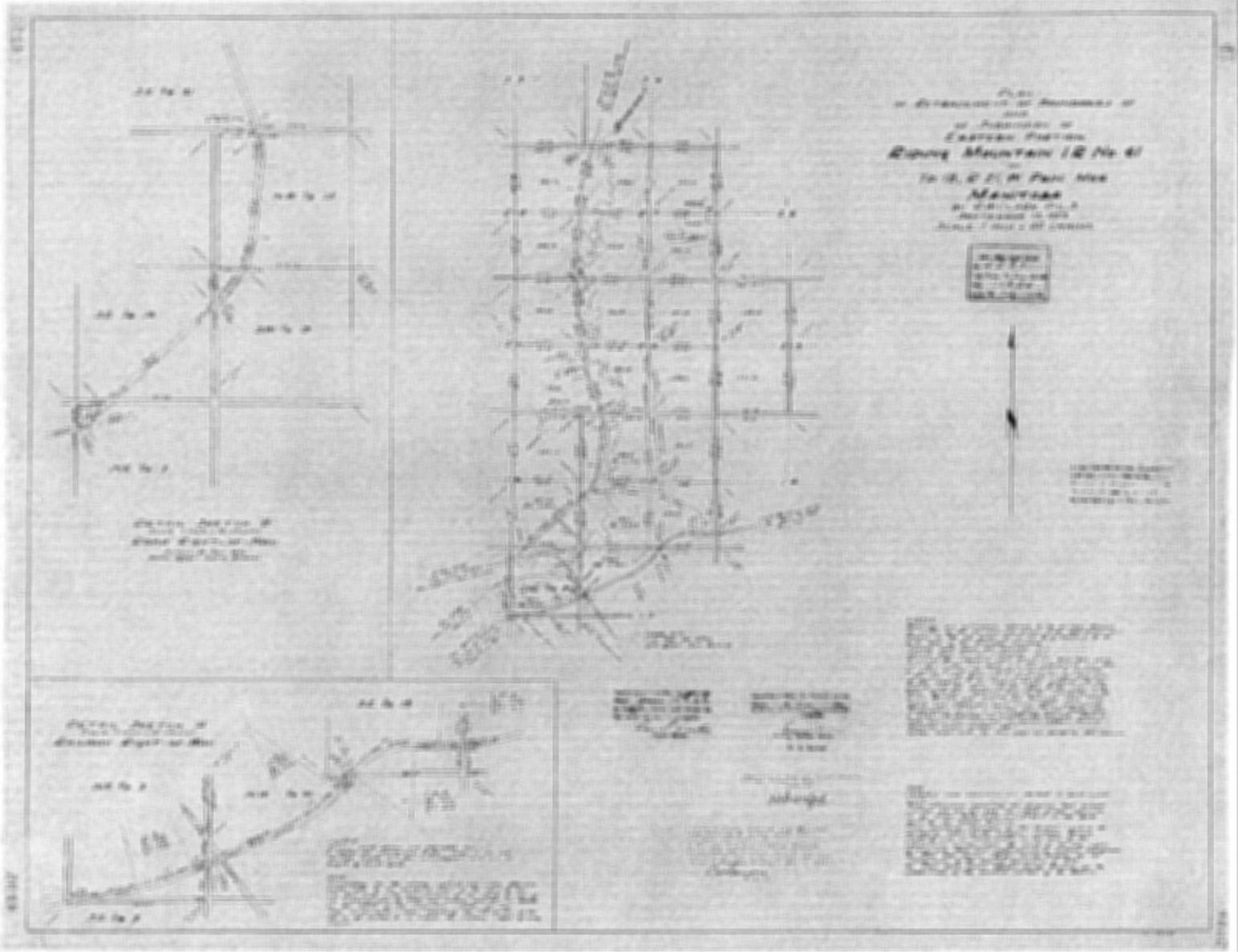
CANADA LANDS SURVEY SYSTEM

KEESECKOOWENIN INDIAN RESERVE 61 4295 CLSR MB

CLEAR LAKE INDIAN RESERVE 61A 76982 CLSR MB

BOTTLE LAKE INDIAN RESERVE 61B 58397 CLSR MB

OFFICIAL MAP NUMBERS PROVIDED BY NATURAL RESOURCES CANADA

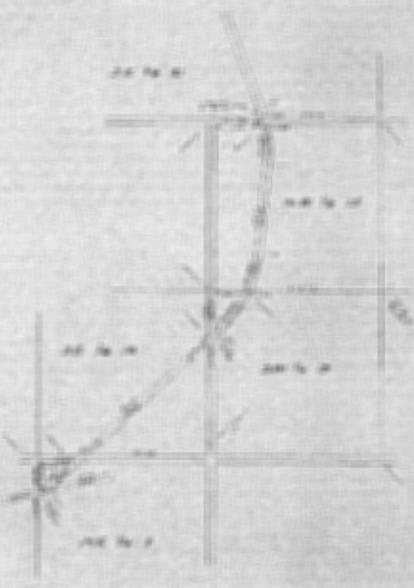


Plan of Strata in Eastern Part of
 Spring Mountain IR No. 61
 To U. S. G. P. M. Fair Map
 Mountain
 U. S. GEOLOGICAL SURVEY
 BUREAU OF GEOLOGY
 WASHINGTON, D. C.
 SCALE 1:50,000

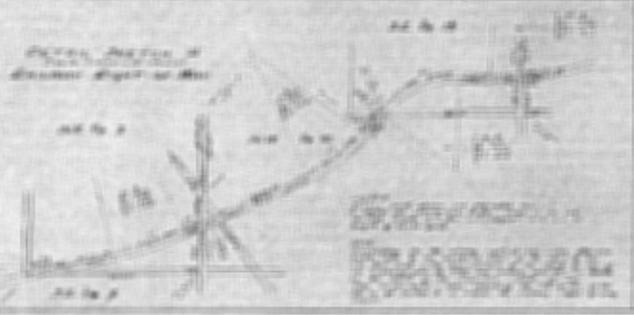
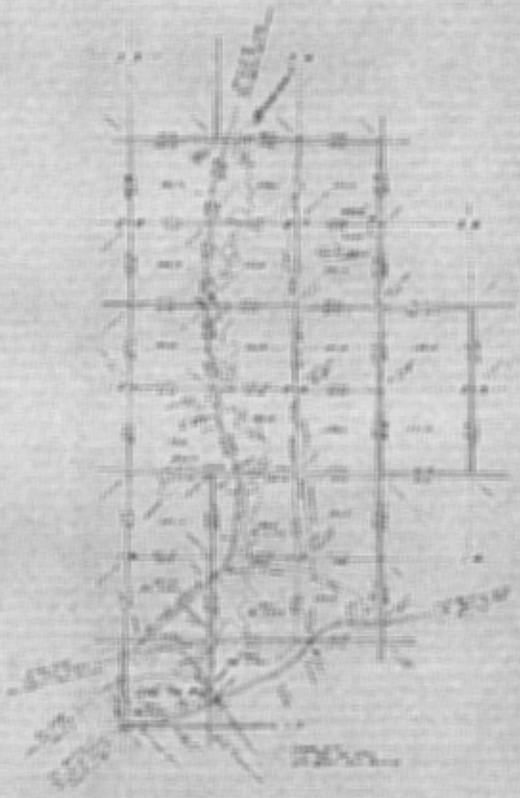
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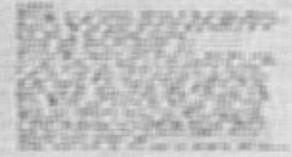


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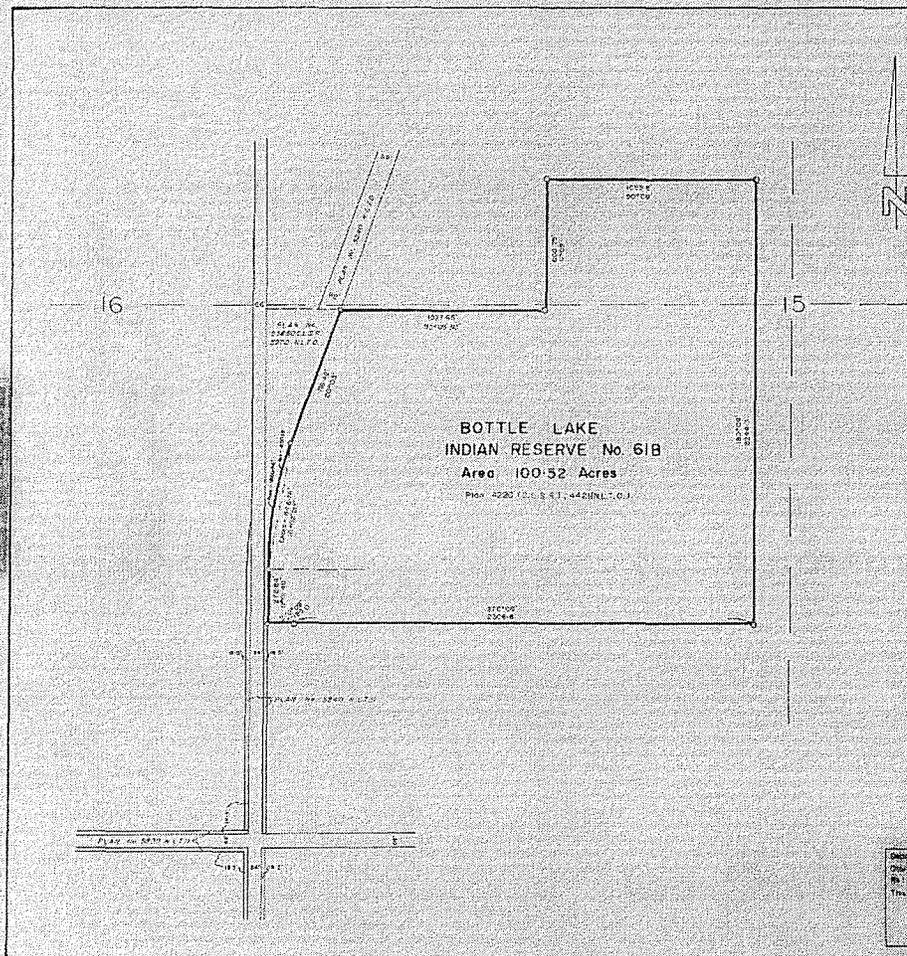
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CANADA LANDS SURVEYS RECORD
 5 8 3 9
 Date SEPT 26 1973

A copy of this plan is filed
 in the Land Titles Office
 at Neepawa on 09/27



PLAN AND FIELD NOTES OF
 RESURVEY OF THE
 EXTERIOR BOUNDARIES OF
BOTTLE LAKE I.R. NO. 61B
 COMPRISING PART OF
 SEC. 15, TP. 19, R. 20, W.P.M.
MANITOBA
 SCALE: 1 INCH = 300 FEET

THIS SURVEY WAS EXECUTED DURING THE PERIOD
 JULY 5 TO 27, 1973, BY S.A. BALCHEN, M.L.S.

LEGEND

Bearings are astronomic, referred to the meridian through the theoretic centre of Township 19, Range 20 W.P.M., and were derived from the South boundary of Bottle Lake Indian Reserve No. 61B as shown on Plan No. 4520 C.L.S.R. C.L.S. standard nails in concrete found..... O
 1"x1.35" iron posts marked M.L.S. found..... O
 Lands not within this plan bounded thus.....

I, Bruce Alfred Balchen, of the Town of Dauphin, Manitoba Land Surveyor, make oath and say that I have in my own proper person, according to law and the instructions of the Surveyor General of Canada Lands, faithfully and correctly executed the survey shown by this plan and field notes, and that the said plan and field notes are correct and true to the best of my knowledge and belief.
 SO HELP ME GOD

Sworn before me of Dauphin
 this 24th day of July, 1973.

[Signature]
 A Commissioner for Oaths
 in and for the Province of Manitoba
 My Commission expires 22nd 1974

Department of Public Works and Technical Development
 Plans: 4520-1-73
 By Section 45 Canada Land Survey Act
 This survey and map are authentic
[Signature]
 Manitoba

Department of Energy, Mines and Technical Surveys
 Plans: December 12, 1973
 By Section 45 Canada Land Survey Act
 (authentic)
[Signature]
 Surveyor General

62-1-10M 15/73