

**KETTLE & STONY POINT BAND
BY-LAW NO. 21**

**BEING A BY-LAW FOR THE REMOVAL AND PUNISHMENT OF PERSONS
TRESPASSING OR FREQUENTING THE RESERVE FOR PROHIBITED PURPOSES**

WHEREAS Section 81(1)(p),(q) and (r) of the Indian Act, R.S.C., ch. 1-6 empowers the Council of a Band to make such by-law and any matter ancillary thereto;

AND WHEREAS the Council of the Kettle & Stony Point Band desires to establish a by-law to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Kettle & Stony Point Indian Reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

NOW THEREFORE the Council of the Kettle & Stony Point Band of Indians hereby enacts a by-law as follows:

SHORT TITLE

I This by-law may be cited as the "Kettle & Stony Point By-Law No. 21, Respecting the Removal of Trespassers".

INTERPRETATION

2 (1) In this by-law

- (i) "Council" means the Council of the Kettle & Stony Point Band as defined in the Indian Act;
- (ii) "Minister" means the Minister of Indian Affairs and Northern Development;
- (iii) "Officer" means any police officer, police constable 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;
- (iv) "Reserve" means the reserve of the Kettle & Stony Point Band;
- (v) "Trespass" means the entry onto, or the presence on the reserve by a person without lawful justification.

PROHIBITED PURPOSES

3 (1) A person, other than a person referred to in subsection (2), who conducts, on the reserve, any of the following activities, namely:

- (i)** hunting, fishing or trapping;
- (ii)** hawking or peddling or peddling of wares or merchandise;
- (iii)** loitering and vagrancy;
- (iv)** soliciting.

is guilty of an offense pursuant to this by-law and subject to penalty.

(2) Subsection (1) does not apply to

- (i)** a person who is a lawful resident of the reserve; or
- (ii)** a person who, under a by-law of the Council, holds a valid licence to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

POWERS OF AN OFFICER

- 4 (1)** An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately.
- (2)** Where a person who has been ordered to leave the reserve, fails or refuses to do so, an officer may take such reasonable measures as may be necessary to remove the person from the reserve.
- (3)** No person shall fail or refuse to comply with an order made under subsection (1) to leave the reserve, or shall resist or interfere with an officer acting under subsection (2).

PENALTY

5 (1) A person who violates any provision of this by-law commits an offence and is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding thirty days, or to both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Chippewas of Kettle & Stony Point dated on this 25 day of August, 1996.

THAT THIS Council do hereby approve By-law No. 21, respecting the removal of trespassers on the Kettle & Stony Point Reserve.

[Signature]
(Chief)

[Signature]
(Councillor)

Robert Abreu
(Councillor)

[Signature]
(Councillor)

Quorum: Six (6)

I, Corrinda A. Jackson of the Kettle & Stony Point Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District Office pursuant to subsection 82(1) of the Indian Act, this 26 day of August, 1996.

[Signature]
(Signature)
(Membership / Estates / Governance)

[Signature]
(Witness)
(Executive Secretary / Receptionist)