



KISPIOX BAND COUNCIL

COMP. 25, SITE K, R.R. #1, HAZELTON, B.C. V0J 1Y0
Phone (604) 842-5248 or (604) 842-5249 Fax (604) 842-5604

**KISPIOX BAND COUNCIL
CURFEW BY-LAW NO. 1997 - 02
PROVINCE OF BRITISH COLUMBIA, KISPIOX, B.C.,**

DO HEREBY RESOLVE:

By-law No. 1997 - 02 pursuant to paragraphs (c), (d), (q) and (r) of section 81 in the Indian Act.

A by-law to provide for the regulations of the activities of boys and girls on the Kispiox Reserve, actually or apparently under the age of 16 years.

In this by-law:

- a) No boy or girl on the Kispiox Community actually or apparently under 13 years of age, shall loiter any place within the Indian Reserve after;

9:00 P.M. during school days
11:00 P.M. during school holidays and weekends.

- b) No boy or girl on the Kispiox Community actually or apparently under 16 years of age, shall loiter any place within the Indian Reserve after;

10:30 P.M. during school days
12:00 A.M. during school holidays and weekends.

- c) No boy or girl on the Kispiox Community actually or apparently under the 13 years of age, shall be in any place of entertainment, lane, by-way or common within the said reserve after the hour of 9:00 P.M. during school days and 11:00 P.M. during school holidays and weekends unless accompanied by his or her parent/guardian or an adult appointed by the parent/guardian to accompany such child.

- d) No boy or girl on the Kispiox Community actually or apparently under the 16 years of age, shall be in any place of entertainment, lane, by-way or common within the said reserve after the hour of 10:30 P.M. during school days and 12:00 A.M. during school holidays and weekends unless accompanied by his or her parent/guardian or an adult appointed by the parent/guardian to accompany such child.

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e) A boy or girl on the Kispiox Community found violating provisions of paragraphs (a) or (b) may be warned and conducted home by, by-law enforcement officer and if the warning is not regarded the following penalties shall apply:

- 1st offense five hours of community service
- 2nd offense ten hours of community service
- 3rd offense fifteen hours of community service
- 4th offense twenty hours of community service
- 5th offense twenty-five hours of community service

f) Any youth found violating the curfew for a sixth time or those not completing their community service hours shall be called before Council to explain their conduct. Kispiox Band Council may at any time refer violater to the RCMP for handling.

g) Any parent who permits his/her child to violate paragraphs (a) or (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$20.00 or imprisonment for a term not exceeding 7 days, or both fine and imprisonment.

Approved and passed at a duly convened meeting of the Council, this 11TH day of AUGUST, 1997. Where present at the meeting:

Maxwell Stevens
Chief Councillor

James Wilson
Councillor

Chilini
Councillor

Councillor

[Signature]
Councillor

Councillor

Stewart
Councillor

Councillor

[Signature]
Councillor

Councillor

The quorum for this Band is 5

I, Maxwell Stevens, Chief of the Kispiox Band do hereby certify that a true and exact copy of the foregoing By-law 1997-01 was mailed to the Minister of Indian Affairs pursuant to section 82, ss (i) of the Indian Act, this 13TH day of AUGUST, 1997.

Maxwell Stevens
Chief Councillor

[Signature]
Witness

REMOVAL OF TRESPASSERS BY -LAW

By-law No. 1998 - 01 Respecting Trespass

WHEREAS the Council of the Kispiox Band desires to establish a by-law to provide for removal of persons trespassing:

WHEREAS the Council of the Kispiox Band is empowered to make such by-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(p), (q) and (r) of the Indian Act;

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Kispiox reserve, to provide for the removal of the persons trespassing.

NOW THEREFORE the Council of the Kispiox Band hereby makes the following by-law:

Short title

1. This by-law may be cited as "Removal of Trespassers By-Law".

Interpretation

2. In this by-law

- (1) "Council" means the Council of the Kispiox Band as defined in the Indian Act;
- (2) "occupier" includes,
 - (a) a person who is in physical possession of a premises, or
 - (b) a person who has responsibility for and control over the condition of a premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises.
- (3) "Minister" means the Minister of the Indian Affairs and Northern Development;
- (4) "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.
- (5) "person" includes the band council;

Interpretation Continued

2. In this by-law continued

- (6) "premises" means lands and structures, or either of them, and includes, trailers and portable structures designed or used for residence, business or shelter;
- (7) "Reserve" means the reserve of the KISPLOX Band and includes the Kisplox Band 's Reserves Agwadin No.3 - Reserve # 6762, Andak No. 9 Reserve # 6768, Gulo-Mak No. 5 Reserve # 6767, Gun-a-Chal No.5 Reserve # 6764, Kis-an-Usko No.7 Reserve # 6766, Kisplox No 1 Reserve # 6761, Kuldo No. 1 Reserve # 6770, Quan-Skum-Ksin-Mich-Mich No. 4 Reserve # 6763, Sidina No. 6 Reserve # 6765, Waulp No. 10 Reserve # 6769.
- (8) "trespass" means entering or remaining without lawful authority on premises or land owned, occupied or controlled by another;

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;
 - (a) hunting, fishing or trapping;
 - (b) hawking or peddling of wares or merchandise;
 - (c) loitering;
 - (d) soliciting financial assistance; or
 - (e) dumping of refuse;
 - (f) any other activity that is prohibited by law.

Shall be deemed to be frequenting the reserve for a prohibited purpose and is guilty of an offence.

- (2) subsection (1) does not apply to
 - (a) a person who is a lawful resident of the reserve; or
 - (b) a person who, under a by-law of the Council, holds a valid license to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

Trespass an offense

4. (1) Every person, is guilty of an offence, who is not acting under a right or authority conferred by law and who,
- (a) Without the express permission of the occupier or the band council, whichever is applicable ,
 - (i) enters on premises when entry is prohibited by notice,
 - (ii) engages in an activity on premises when the activity is prohibited by notice; or
 - (b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier.
- (2) Entry on a premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises.

Method of giving notice

5. (1) A notice under this Act may be given,
- (a) orally or in writing
 - (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 premises to which it applies.
- (2) For purposes of this by-law, a person has notice not to trespass or not to engage in certain activities when he has been given notice by word of mouth or in writing to refrain from entering or from entering or from remaining on premises and the notice shall be deemed to have been given by an authorized person under this by-law until the contrary is provided.

Method of giving notice continued

- (3) 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) or words of similar effect.

- (4) The Band Council may, by resolution,
 - (a) designate locations on reserve at which "no trespass" notices shall be installed;
 - (b) designate locations on reserve in which the carrying on of certain activities is prohibited.

- (5) Every person who tears down, removes, damages or covers up a sign that has been posted by the owner or occupier of the land commits an offence.

Enforcement

6. (1) An officer may order any person who trespasses to leave the premises immediately and may order any person who engages in a prohibited activity to cease immediately.
- (2) Where a person fails or refuses to obey an order made under subsection 6(1), an officer may take such reasonable measures as may be necessary to remove the person from the premises on the reserve.
- (3) No person shall fail or refuse to comply with an order made under subsection (1), or shall resist or interfere with an officer acting under subsection (2).

Penalty

7. 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.

TRESPASS BY-LAW
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THIS BY-LAW IS HEREBY made at duly convened meeting of the Band Council of the Kispiox Band this 17 day of August 1998.

Voting in favour of the by-law are following members of the Council:

<u>Stewart</u> Councillor	<u>[Signature]</u> Councillor	<u>[Signature]</u> Councillor
<u>[Signature]</u> Councillor	<u>[Signature]</u> Councillor	<u>[Signature]</u> Councillor
<u>[Signature]</u> Councillor	<u>[Signature]</u> Councillor	<u>[Signature]</u> Councillor
<u>[Signature]</u> Chief Councillor		

being the majority of those members of the Band Council of the Kispiox Band present at the aforesaid meeting of the council.

The quorum of the Band Council is 5 members.
Number of members of the Band Council present at the meeting: 8

I, Maxwell Stevens, Chief Councillor of the Kispiox 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/Regional /Hull office (at the case may be) pursuant to subsection 82(1) of the Indian Act, this 28 day of Sept, 1998.

[Signature]
Chief Councillor

[Signature]
Witness