

**By -Law No. 1997-01  
of the Metlakatla Band  
BEING A BY-LAW FOR THE REMOVAL AND PUNISHMENT OF PERSONS  
TRESPASSING OR FREQUENTING THE RESERVE FOR PROHIBITED PURPOSES**

**Whereas** the Council of the Metlakatla 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** the Council of the Metlakatla 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 Metlakatla 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 Metlakatla Band hereby makes the following by-law:

**Title**

1. Metlakatla Band Trespassing By-Law

**Interpretation**

2. In this by-law

“Council” means the Council of the Metlakatla Band as defined in the Indian Act;

“Minister” means the Minister of Indian Affairs and Northern Development;

“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;

“reserve” means the Metlakatla Band and includes the Metlakatla Band’s Reserve No.I.R.#2 , 3, 4, 11A, 21, 87, 89, 90, 91, 92, 93,

“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:

- (a) hunting, fishing or trapping;
- (b) hawking or peddling of wares or merchandise;
- (c) loitering;
- (d) soliciting financial assistance;

shall be deemed to be frequenting the reserve for a prohibited purpose.

(2) Subsection (1) does not apply to

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

**By -Law No. 1997-01  
of the Metlakatla Band**

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

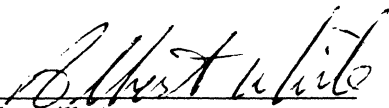
- 4.(1) An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately.
- (2) Where a person has been ordered to leave the reserve fails or refuses to do so, an officer may take such reasonable measures as may be necessary 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 section (2).

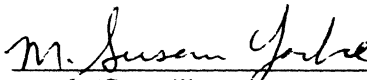
**Penalty**

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

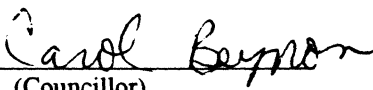
**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Band Council of the Metlakatla Band this 25 day of Sept 1997.

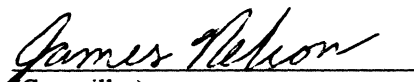
Voting in favor of the by-law are the following members of the Council:


  
(Councillor)

  
(Councillor)

  
(Councillor)


  
(Councillor)

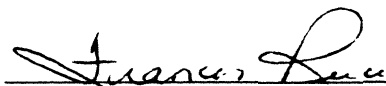
  
(Councillor)

  
(Councillor)

being the majority of those members of the Band Council of the Metlakatla Band present at the aforesaid meeting of the Council . The quorum of the Band Council is four members. Number of members of the Band Council present at the meeting 07 .

I, Harold Leighton Chief Councillor of the Metlakatla 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 Regional office pursuant to subsection 82(1) of the Indian Act, this day of 26-09, 1997.

  
(Chief Councillor)

  
(Witness)