

1997-01-26-27

## BY-LAW NO. 1997-\_\_\_

## of Saint Mary's First Nation

**Being a By-law for the Removal and Punishment of Persons  
Trespassing or Engaging in Prohibited Activities on the Reserve**

**WHEREAS** the Council of the St. Mary's First Nation desires to establish a by-law to provide for the removal and punishment of persons trespassing on the reserve, or engaging in illicit and prohibited activities on the reserve.

**AND WHEREAS** the Council of St. Mary's First Nation is empowered to make such a by-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(c), (p), (p.1), (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 St. Mary's Indian reserve, to provide for the removal and punishment of such persons,

**NOW THEREFORE** the Council of the St. Mary's First Nation hereby makes the following by-law:

*Short Title*

1. This by-law may be cited as "St. Mary's First Nation Removal of Transgressors By-law".

*Interpretation*

2. In this by-law

"Council" means the Council of St. Mary's First Nation as it may be 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 reserve of St. Mary's First Nation;

"trespass" means the entry onto, or the presence on, the reserve by a person without lawful justification.

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*Prohibited Activities*

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;
  - (e) conduct prohibited by the Criminal Code or other federal regulatory enactment; or
  - (f) disorderly conduct or nuisance which undermines the comfort and safety of the residents of St. Mary's Indian Reserve.

shall be deemed to be engaging in a prohibited activity on a reserve.

- (2) Subsection (1) does not apply to
- (a) a person who is a band member of Saint Mary's First Nation; or
  - (b) a person who, under a By-law of the Council, holds a valid licence to conduct any activity referred to in paragraphs (a), (b), (c), or (d) of subsection 3(1), or is otherwise permitted to conduct that activity.
4. (1) Where any person trespasses on the reserve or engages in a prohibited activity, an officer may order such person 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
- (a) take such reasonable measures as may be necessary to remove the person from the reserve; and
  - (b) take all reasonable measures to prevent such person from returning to 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. A person who violates any provision of this by-law commits an offence and
- (a) is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both;
  - (b) may be restrained and enjoined from entering the reserve for a prescribed period at

the instance of band council.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Band Council of St. Mary's First Nation, this 12 day of June, 1997.

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

<u>Earle J Paul</u>	<u>Bread</u>
<u>Wally Brooks</u>	
<u>Gene Hales</u>	
<u>Wally Brooks</u>	

being the majority of those members of the Band Council of the St. Mary's First Nation present at the aforesaid meeting of the Council.

The quorum of the Band is 5 members.

Number of members of the Band Council present at the meeting: 9

I, Arthur Bear, Chief of St. Mary's 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 at the Regional office pursuant to subsection 82(1) of the *Indian Act*, this 12 day of June, 1997.

Chief Arthur Bear  
Chief Arthur Bear

Wally Brooks  
Witness.