

BYLAW NO. 2008-81-04
OF THE SADDLE LAKE CREE NATION
TO PROVIDE FOR THE REMOVAL AND PUNISHMENT OF PERSONS
TRESPASSING OR FREQUENTING THE SADDLE LAKE CREE
NATION LANDS FOR PROHIBITED PURPOSES

WHEREAS, the Saddle Lake Cree Nation is a signatory to the Treaty # 6, and as such, maintains and exercises inherent rights as recognized and confirmed by the Constitution of Canada, and

WHEREAS, the Chief and Council, are duly elected and empowered by the membership of the Saddle Lake Cree Nation, and

WHEREAS, pursuant to section 81 of the Indian Act, the Chief and Council are desirous of making regulations to ensure to its members peace, order and good government,

NOW THEREFORE, The Council of the Saddle Lake Cree Nation hereby make the following bylaw:

1.0 SHORT TITLE

1.1 This bylaw may be cited as the “Saddle Lake Cree Nation Trespass Bylaw”

2.0 INTERPRETATION

2.1 In this By-law:

“Peace officer” means a tribal police Constable appointed by Chief and Council, a member of the Royal Canadian Mounted Police, or any other person appointed as a Special Constable to enforce this bylaw,

“public place” includes places such as the Arena, Complex, Rodeo grounds, Beach area, Ball diamonds, Pow-Wow grounds, Schools, Churches, Youth Centre, Cultural Centre, Cultural Park, Cemeteries, Administration Offices of the Saddle Lake Cree Nation, and any other place to which the Public has access as of right or by invitation expressed or implied.

“Reserve lands” means the lands set aside for use and benefit of the Saddle Lake Cree Nation.

“resident” means any person entitled to reside on Saddle Lake lands by virtue of membership or by permit under the residency bylaw.

‘regulations’ means the regulations approved by Council to give effect to the objectives intended by the passing of this bylaw.

3.0 TRESPASSING

- 3.1 Any non-resident person who enters onto the Saddle Lake Cree Nation lands without invitation or lawful justification is a trespasser and shall have committed an offense contrary to this bylaw.

4.0 FREQUENTING THE RESERVE FOR PROHIBITED PURPOSES

- 4.1 Except as otherwise provided, any non-resident person who conducts any of the following activities on the reserve; namely,
- a. hunting, fishing, or trapping
 - b. accesses or utilizes communal resources or assets
 - c. hawking, trading or peddling of wares or merchandise
 - d. disorderly behavior
 - e. loitering
 - f. panhandling
 - g. trafficking in illegal or controlled substances
 - h. vagrancy
 - i. public intoxication
 - j. creating disturbances
 - k. exposure or indecent exhibition(s) in a public place which offends against public decency or order.
 - l. molesting or impeding other persons
 - m. stalking, prowling or loitering by day or by night upon the property, dwelling or premises of another person without that owner’s permission, either expressed or implied

shall have frequented the reserve for a prohibited purpose and have committed an offense contrary to this by-law.

5.0 REMOVAL FROM THE RESERVE

- 5.1 Under the direction of Chief and Council or a Peace Officer, any person trespassing or frequenting the reserve for a prohibited purpose may be requested to leave the reserve immediately, and if they fail to do so, they shall have committed an offense contrary to this by-law.
- 5.2 In addition to the sanctions or penalties imposed by this bylaw, any person committing the act of trespass commits a crime under the Criminal Code of Canada and may be charged and penalized under that law at the request of Chief and Council.

6.0 AMENDMENTS

- 6.1 These bylaws can only be amended by a quorum of Council at a duly convened meeting specifically called for the purpose of amending a bylaw.
- 6.2 The amended bylaw shall then be put to the general membership for acceptance by public notice.

7.0 SEVERABILITY

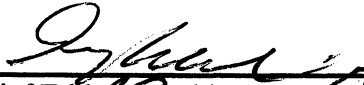
- 7.1 Should a court determine that a provision of this bylaw is invalid for any reason, the provision shall be severed from the bylaw and the validity of the rest of the bylaw shall not be affected.

8.0 PENALTIES


- 8.1 A person or persons, in contravention of any of the provisions of this bylaw 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 one month (30 days) or to both fine and imprisonment.
- 8.2 Other administrative sanctions or remedies may be imposed.
- 8.3 All revenues generated from fines will be payable to the Saddle Lake Consolidated Revenue Fund.

THIS BY-LAW IS HEREBY ENACTED by the Chief and Council of the Saddle Lake Cree Nation this ____ day of _____, 2008.

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




Chief Eddy Makokis



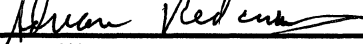
Councillor Ray Cardinal



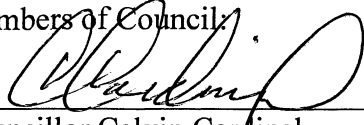
Councillor Terry Cardinal



Councillor Charlene Houle-White



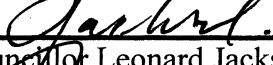
Councillor Adrian Redcrow



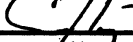
Councillor Calvin Cardinal

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~~Councillor Sam Cardinal~~



Councillor Leonard Jackson




Councillor Jason Whiskeyjack

being the majority of those members of the Council of the Saddle Lake Cree Nation present at a properly constituted meeting of the Tribal Council.

The quorum of the Council is five (5) members.

Number of members in attendance at this meeting : 9.

I, Chief Eddy Makokis of the /Saddle Lake Cree Nation, do hereby certify that a true copy of the foregoing bylaw 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 8 day of JUNE, 2008.



Witness



Chief Eddy Makokis