

Trespass By-Law No. 20 5/2  
Of the O'Chiese First Nation  
Enacted on the 21 day of November 3, 2014

**Being a By-Law For The Removal And Punishment  
Of Persons Trespassing**

**WHEREAS** the Council of the O'Chiese First Nation desires to establish a By-law to provide for the removal and punishment of persons trespassing on the Reserve;

**AND WHEREAS** the Council of the O'Chiese First Nation 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 members of the O'Chiese First Nation Reserve, to provide for the removal and punishment of persons trespassing on the Reserve;

**NOW THEREFORE** the Council of the O'Chiese First Nation hereby makes the following By-law:

**SHORT-TITLE**

1. This By-law may be cited as the "O'Chiese First Nation Trespass By-law".

**INTERPRETATION**

2. In this By-law:

"Council" means the Chief and Council of the O'Chiese First Nation as defined in the Indian Act;

"Minister" means the Minister of Aboriginal Affairs and Northern Development Canada;

"Officer" means any police officer, police constable, or other person charged with the duty to preserve and maintain public peace;

"Reserve" means the O'Chiese First Nation Reserve no. 431;

"Bylaw Enforcement Officer" means the Bylaw Officer appointed by the Council with the mandate of implementing and enforcing this By-law;

**TRESPASSING**

3. (1) A person who enters onto the O'Chiese First Nation Reserve without lawful justification is a trespasser and shall have committed an offense contrary to this Bylaw.

(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 on Reserve or is otherwise permitted to conduct that activity or be on the Reserve.

**REMOVAL FROM THE RESERVE**

4. Upon the direction of Council or a Bylaw Enforcement Officer:

(1) Any person who trespasses on the Reserve may be ordered to leave the Reserve immediately and if they shall fail to do so, they shall have committed an offence contrary to this Bylaw.

(2) Any person commits an offense under Section 3(1) or 4(1) commits an offence punishable on summary conviction and may be arrested in accordance with s. 495(2) of the Criminal Code.

**PENALTY**

5. Any person who commits an offence under this Bylaw is subject to a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 30 days, or both for having committed an offence.

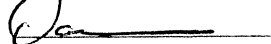
**SEVERABILITY**

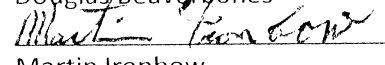
6. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest of the By-law shall not be affected.


**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Chief and Council of the O'Chiese First Nation this 21 day of November, 2014.

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

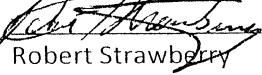
  
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Chief Darren Whitford

  
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Douglas Beaver Jones

  
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Martin Ironbow

  
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Barry Saulteaux

  
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Cedric Whitford

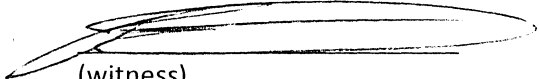
  
\_\_\_\_\_  
Robert Strawberry

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Cleon Strawberry

being the majority of those members of the Council of the O'Chiese First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is four (4) members.

I, Darren Whitford Chief of the O'Chiese first Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Aboriginal Affairs and Northern Development Canada (as case may be) pursuant to subsection 82(1) of the Indian Act, this 21 day of November, 2014.

  
(witness)

  
Chief Darren Whitford