

**By-law Number 2002-08**  
**Being a By-law to repeal and replace By-law No. 1986/01/20**  
**Enacted on the 11<sup>th</sup> day of December, 1985**  
**Being a By-law Regulating the Conduct of Hawkers, Peddlers and Trespassers**  
**on the Reserve**

**WHEREAS** section 81, sub-paragraphs (c), (n), (q) and (r), of the *Indian Act, R.S. 1985, C-5, as amended* (herein, '*Indian Act*') empower the Council of an Indian Band to pass by-laws to provide for the regulation of the conduct and activities of hawkers, peddlers or others who enter the Reserve; in addition to matters arising out of or ancillary thereto, and the imposition of a penalty for the violation of any such by-law;

**AND WHEREAS** the Council of the Louis Bull Band desires to establish a by-law to provide for the removal and/or punishment of persons trespassing on the Reserve or frequenting the Reserve for prohibited purposes;

**AND WHEREAS** the Council of the Band did enact By-law Number 1986/01/20 on the 11<sup>th</sup> day of December, 1985 and wishes to repeal the said By-law Number 1986/01/20 and replace it with this By-law.

**THEREFORE**, the Council of the Louis Bull Band enacts this Hawkers, Peddlers and Trespassers By-law as follows:

**1- SHORT TITLE**

This by-law may be cited as the "Louis Bull Reserve Hawkers, Peddlers and Trespassers By-law" and is referred to herein as 'By-law'.

**2- DEFINITIONS**

In this By-law

"*Band*" means the Louis Bull Band, as defined by Section 2 of the *Indian Act*;

"*Council*" means the Council of the Louis Bull Band, as defined in the *Indian Act*;

"*officer*" means any peace officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any person appointed by the Council for the purpose of maintaining law and order on the Reserve;

"*Reserve*" means Louis Bull Indian Reserve No.138B;

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

3- **APPLICATION**

This By-law applies to all persons visiting Louis Bull Reserve No.138B.

4- **PROHIBITED PURPOSES**

(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) for such other purposes prohibited by the Council.

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 a by-law of the Council, holds a valid licence to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

5- **ENFORCEMENT**

(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 who 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.

6- **PENALTY**

Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term not exceeding thirty (30) days, or to both.

7- **REPEAL**

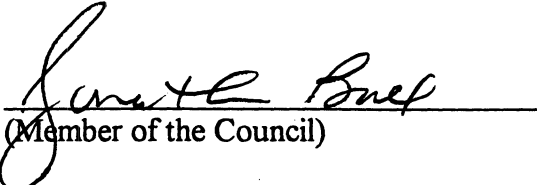
By-Law number No. 1986/01/20 enacted on the 11<sup>th</sup> day of June, 1985, and being a By-law to regulate hawkers and peddlers on the Reserve, be and the same is hereby repealed.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Louis Bull Band this 9th day of October, 2002.

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

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

  
(Member of the Council)

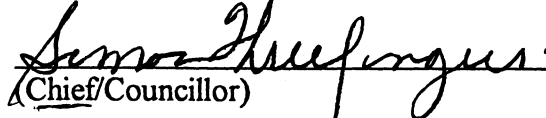
being the majority of those members of the Council of the Louis Bull Band present at the aforesaid meeting of the Council.

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

Number of members of the Council present at the meeting: 8.

I, Simon Threefingers Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian and Northern Affairs Canada at the \_\_\_\_\_ office of the department pursuant to subsection 82(1) of the *Indian Act*, this 9th day of October, 2002.

  
(Witness)

  
(Chief/Councillor)