



# FORT McMURRAY No. 468 FIRST NATION

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## TRESPASSER REMOVAL BY-LAW

By-law No. 1992-1  
of the Fort McMurray Indian Band

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

ENACTED ON THE 6 DAY OF August 1992

**WHEREAS** the Council of the Fort McMurray Indian 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 Fort McMurray Indian 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 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 Fort McMurray Indian Band hereby makes the following by-law:

### Short title

1. This by-law may be cited as "*By-law No. 1992-1 Respecting the Removal of Trespassers on the Reserve*".

**Interpretation**

**2.** In this by-law

*"Council"* means the Council of the Fort McMurray Indian Band as defined in the Indian Act;

*"Minister"* means the Minister of Indian Affairs and Northern Development;

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

*"reserve"* means the reserve of the Fort McMurray Indian Band and includes the Fort McMurray Indian Band's Reserves No. 176, 176A and 176B;

*"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 either 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.

**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 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.
- (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 s.4(3) of this by-law 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 thirty days, or to both.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Band Council of the Fort McMurray Indian Band

this 6 day of August, 1992

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

Bernice Cree  
(Chief)

Mitchell Church  
(Councillor)

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(Councillor)

being the majority of those members of the Band Council of the Fort McMurray Indian Band present at the aforesaid meeting of the council.

The quorum of the Band Council is 2 members.

Number of members of the Band Council present at the meeting: 2

I, Bernice Cree Chief of the Fort McMurray Indian 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 Edmonton Regional office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 6 day of August, 1992

Bernice Cree  
(Chief)

[Signature]  
(Witness)