

REMOVAL OF TRESPASSERS BY-LAW

**BY-LAW NO. 1997.004
of the Fort McMurray No. 468 First Nation
BEING A BY-LAW TO REPEAL AND REPLACE
BY-LAW NO. 1997.002**

ENACTED ON THE 27 DAY OF June, 1997

WHEREAS the Council of the Fort McMurray No. 468 First Nation (the "Nation") desires to make 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 is empowered to make this by-law pursuant to section 81 of the Indian Act;

AND WHEREAS the Council of the Nation did enact By-law Number 1997.002 on the 20th day of March, 1997 and wishes to repeal the said By-law Number 1997.002 and replace it with this by-law;

NOW THEREFORE the Council of the Nation hereby makes the following by-law:

Short title

1. This by-law may be cited as "*The Fort McMurray No. 468 First Nation Trespass By-law*".

Interpretation

2. In this by-law

"*Council*" means the Council of the Nation;

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

"*reserve*" means all lands reserved to the Nation from time to time;

"*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 section (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; or
- (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, 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, or any member of Council, 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 any provision 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.

6. By-law number 1997.002 enacted on the 20th day of March, 1997, titled "*The Fort McMurray No. 468 First Nation Trespass By-Law*" is hereby repealed.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the **Band Council of the Fort McMurray No. 468 First Nation** this 27 day of June, 1997.

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

Bernice Cree
(Chief)

[Signature]
(Councillor)

(Councillor)

being the majority of those members of the Band Council of the Fort McMurray No. 468 First Nation 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: ____

I, Bernice Cree, Chief of the Fort McMurray No. 468 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 District/Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 27 day of June, 1997.

Bernice Cree
(Chief)

[Signature]
(Witness)