

**BY-LAW NO. 2003-800-L
OF THE ENOCH CREE NATION
BEING A BY-LAW FOR THE REMOVAL AND PUNISHMENT
OF PERSONS TRESPASSING OR FREQUENTING THE RESERVE
FOR PROHIBITED PURPOSES**

WHEREAS the Council of the Enoch Cree Nation 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 Enoch Cree 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 Enoch Cree Nation reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS nothing in this by law shall deem to alter, diminish, derogate or abrogate Treaty Number 6, including the spirit and intent of our Treaty Rights and the inherent right as understood by the Elders of Treaty 6.

NOW THEREFORE the Council of the Enoch Cree Nation hereby makes the following By-law:

SHORT TITLE

1. This By-law may be cited as the "Enoch Cree Nation Removal of Trespassers By-law".

INTERPRETATION

2. In this By-law

"Council" means the Council of the Enoch Cree Nation as defined in the Indian Act;

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

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

"Reserve" means the Enoch Cree Nation reserve (also known as the Stony Plain Indian Reserve no. 135 and also 135A).

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“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) panhandling; or
 - (e) trafficking illegal substances;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 license 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).

SEVERABILITY

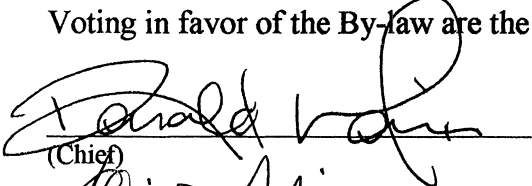
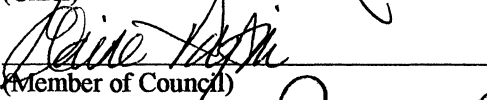
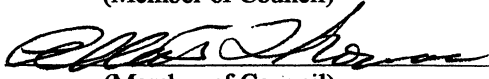
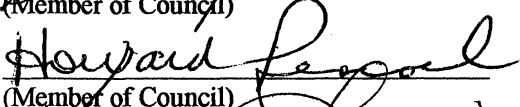
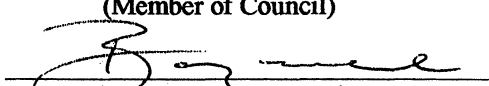
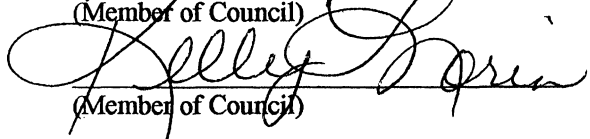
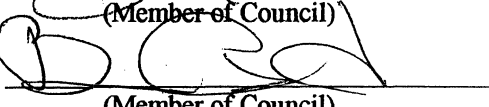
5. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest or the By-law shall not be affected.

PENALTY

6. A person who violates any provision of this By-law commits an offence and is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Enoch Cree Nation this _____ day of _____, 20____.

Voting in favor of the By-law are the following members of Chief and Council:

 _____ (Chief)	_____ (Member of Council)
 _____ (Member of Council)	 _____ (Member of Council)
 _____ (Member of Council)	 _____ (Member of Council)
 _____ (Member of Council)	 _____ (Member of Council)

being the majority of those members of the Council of the Enoch Cree Nation present at the aforesaid meeting of the Council.

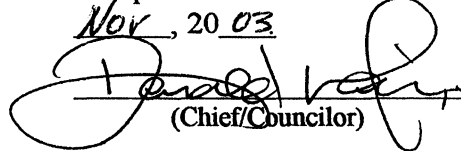
The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 7

I, Donald Van Chief/Councilor of the Enoch Cree 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 pursuant to subsection 82(1) of the Indian Act, this 18th, day of Nov, 20 03.



(Witness)



(Chief/Councilor)