

ALEXIS NAKOTA SIOUX NATION
BYLAW # _____ 2008
PREVENTION OF TRESPASSING ON THE RESERVE

WHEREAS the Alexis Nakota Sioux Nation has First Nation and treaty rights and other rights and freedoms that are recognized and affirmed by the Constitution of Canada;

AND WHEREAS the Alexis Nakota Sioux Nation is committed to pursuing initiatives that promote and protect the health, safety and welfare of residents on the Reserve;

AND WHEREAS persons trespassing on the Reserve may endanger the health, safety and welfare of residents on the Reserve;

AND WHEREAS Chief and Council, as the elected government of the Alexis Nakota Sioux Nation, has jurisdiction to pass laws for the good government of Alexis members, lands and resources, and for the purpose of regulating the use of such lands and for the purpose of protecting and promoting the health, safety and welfare of residents on Reserve and is empowered to make this By-law by virtue of Section 81 of the *Indian Act*, R.S.C. 1985, c. I-5, as amended, and pursuant to the Alexis Nakota Sioux Nation's inherent and treaty rights;

AND WHEREAS Chief and Council consider it in the best interests of the Alexis Nakota Sioux Nation to make this By-law in order to prevent individuals from trespassing on the Reserve;

NOW THEREFORE THE COUNCIL OF THE ALEXIS NAKOTA SIOUX NATION makes the following By-law:

1. This By-law may be cited as the ***Alexis Nakota Sioux Nation Prevention of Trespassing on the Reserve By-law.***

Definitions

2. In this By-law:
 - a. "Chief and Council" means the elected Chief and Council of the Alexis Nakota Sioux Nation.
 - b. "Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a bylaw officer or any other person appointed by Chief and Council for the purpose of maintaining law and order on the Reserve.
 - c. "Reserve" means the reserves of the Alexis Nakota Sioux Nation.
 - d. "Trespass" means the entry onto, or the presence on, the Reserve by a person without lawful justification.

Prohibitions

3. No person, apart from a person referred to in Section 4, shall:
 - a. hunt, fish or trap;
 - b. hawk or peddle wares or merchandise;
 - c. loiter;
 - d. panhandle;
 - e. traffic in illegal substances;
 - f. break any applicable law, including any other By-law of the Alexis Nakota Sioux Nation, as well as federal or provincial laws;
 - g. dump any illegal substances or waste; or
 - h. cause a disturbanceon the Reserve.

Exceptions

4. Sections 3a. and 3b. do not apply to:
 - a. a person who is a member of the Alexis Nakota Sioux Nation, resident on Reserve; or
 - b. a person who, under a By-law of Chief and Council, holds a valid licence to conduct any activities listed in Sections 3a. or 3b.

Enforcement

5. An Officer may order any person who trespasses on a Reserve or who frequents the Reserve for a prohibited purpose to leave the Reserve immediately.
6. 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.
7. No person shall fail or refuse to comply with an order made under Section 5 to leave the Reserve, or shall resist or interfere with an Officer acting under Section 6 of this By-law.
8. Any person who contravenes this By-law is guilty of an offence, and upon summary conviction, is liable to a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding 30 days, or both.


9. No action lies against the Alexis Nakota Sioux Nation or an Officer, or any person acting under the direction of the Alexis Nakota Sioux Nation for anything done or omitted to be done in good faith in the administration or discharge of any powers or duties that under this By-law are intended or authorized to be executed or performed.

Severability


10. 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.

11. Nothing in this By-law should be read as affecting any other applicable laws in force.

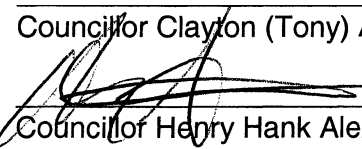
Voting in favor of the **Alexis Nakota Sioux Nation Prevention of Trespassing on the Reserve By-law** are the following members of the Council:




Chief Cameron Alexis



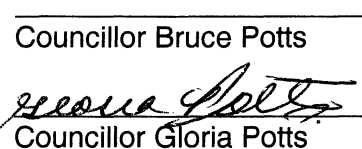
Councillor Darwin Alexis



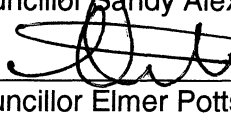
Councillor Clayton (Tony) Alexis



Councillor Sandy Alexis



Councillor Henry Hank Alexis



Councillor Bruce Potts

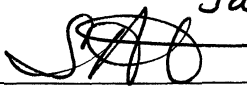
being the majority of those members of the Council of the Alexis Nakota Sioux Nation present at the aforesaid meeting of the Council, held on ~~December 20~~ ^{January} 2008. ~~9~~

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 6

I, Chief Cameron Alexis of the Alexis Nakota Sioux Nation, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the Regional office pursuant to subsection 85.1(3) of the *Indian Act*, this

23 day of ~~December~~ ^{January}, 2008. ~~9~~



WITNESS



Chief Cameron Alexis