

SKEETCHESTN INDIAN BAND

**Trespass Bylaw
No. 1997-1**

SKEETCHESTN INDIAN BAND**TRESPASS BYLAW NO. 1997-1**

Whereas the Skeetchestn Indian Band requires a bylaw for the removal and punishment of persons trespassing upon the Skeetchestn Reserve or frequenting the reserve for prohibited purposes:

Now therefore, the Council of the Skeetchestn Indian Band, pursuant to Section 81 (p) and (r) of the Indian Act, enacts as a bylaw thereof as follows:

1. This bylaw may be cited as Skeetchestn Indian Band Trespass Bylaw No. 1997-1.
2. In this bylaw:
 - (a) "Band" means the Skeetchestn Band of Indians;
 - (b) "Band Council" means the Chief and Council of the Skeetchestn Indian Band;
 - (c) "Reserve" means the Skeetchestn Indian Reserve No. 0 and Hihium Reserve;
 - (d) "Act" mean the *Indian Act, R.S.C. 1985, c.1-5*; and
 - (e) "Trespassing" means to enter upon or remain on reserve without lawful authority.
3. Where any person has been identified by the Band Council as trespassing on reserve lands or specific areas of the reserve the Band Council may, by resolution, order that person to vacate the reserve and to remain off the reserve on terms as set out in that resolution.
4. The Band Council may, upon the application in writing of a person against whom an order has been made pursuant to Section 3, by resolution, authorize that person to enter the reserve for such purposes, at such times, and subject to such conditions as the Band Council may prescribe in that resolution, but no such authorization shall be deemed to give to that person any right to use, occupy, enter, or possess any land or building in the reserve in the lawful possession of any other person, nor to confer any right to the possession or occupation of lands in the reserve. The failure to comply with any of the conditions directed by Chief and Council shall constitute a trespass.
5. The Band Council may, by resolution, revoke any order made pursuant to Section 3 or any authorization made pursuant to Section 4.
6. All resolutions made pursuant to this bylaw shall be consented to by a majority of the Band Council present at a meeting of the Band Council duly convened.
7. (a) Notice in writing of an order made pursuant to Section 3 shall be served on the person against whom the order is made and such notice shall be in Form A attached to this bylaw.


SKEETCHESTN INDIAN BAND

Trespass Bylaw No. 1997-1

Page 2

- (b) Service of the notice required by this section may be effected by:
- (i) Leaving a copy of the notice with the person against whom the order is made; or
 - (ii) Leaving a copy of the any adult person residing or working on the reserve or at a building on the reserve which is used, possessed, occupied or frequented by the person against whom the order has been made; or
 - (iii) Posting a copy of the notice in a conspicuous place on any land or building on the reserve used, possessed, occupied or frequented by the person against whom the order has been made.
- (c) A person effecting service of the notice required by this section shall complete and swear an affidavit of service and such affidavit shall be in Form B attached to this bylaw.
8. Every person, not being a member of the Band, against whom an order has been made pursuant to Section 3 who, without lawful excuse or authority, remains on, returns to, or frequents the reserve during any day or part thereof after the expiry of ten days from the date of the service of the notice upon him required by Section 7 is guilty of an offense and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding thirty (30) days or to both such fine and imprisonment. Each day of trespass constitutes another offence under this bylaw.

APPROVED AND PASSED at a duly convened meeting of the Chief and Council of the Skeetchestn Indian Band this 20th day of May, 1997.




Chief Ronald Ignace



Councillor Marlene Peters



Councillor Tom Hewitt



Councillor Terry Deneault



Councillor Edward Jules

SKEETCHESTN INDIAN BAND

Bylaw No. 1997-1

Page 3

FORM A

NOTICE OF AN ORDER TO VACATE THE RESERVE AND TO REMAIN OFF THE RESERVE

TO:

TAKE NOTICE that the Band Council of the Skeetchestn Indian Band did, by resolution dated the _____ day of _____, 199____, consented to by a majority of the Band Council present at the meeting of the Band Council duly convened, make an order that _____, not being a member of the Band, vacate Skeetchestn (name) Reserve No. 0 and remain off the reserve.

AND FURTHER TAKE NOTICE if _____ without lawful excuse or (name) authority, remains, returns, returns and remains, or frequents the reserve during any day or part thereof after the expiry of ten days from the date of the service upon _____ of a copy of this notice that _____ (name) will be liable to the imposition for each such day or part thereof that _____ (name) remains, returns, returns and remains, or frequents the reserve, on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) imprisonment or for a term not exceeding 30 days, or to both.

THE BAND COUNCIL OF THE SKEETCHESTN INDIAN BAND

per: _____ A Band Councillor of the Skeetchestn Indian Band

SKEETCHESTN INDIAN BAND

Bylaw No. 1997-1

Page 4

FORM B

AFFIDAVIT OF SERVICE

I, _____ of _____, in the Province of British Columbia, make oath and say as follows:

- 1. That I did serve a true copy of the Notice of an Order to Vacate the Reserve and to Remain off the Reserve, a true copy whereof is now produced and shown to me and marked "Exhibit A" to this my affidavit upon _____, the person named in the said Notice as the person ordered to vacate the reserve and to remain off the reserve by order of the Band Council of the Skeetchestn Indian Band, made by resolution of the Band Council dated the _____ day of _____, 199__.
- 2. That I did effect service of a true copy of the said Notice upon the said _____ by:
 - (a) Serving a true copy of the said Notice personally upon the said _____; or
 - (b) Leaving a true copy of the said Notice with _____ an adult person residing or working on land or at a building on the reserve used, possessed, occupied, or frequented by the said _____; or
 - (c) Posting a true copy of the said Notice in a conspicuous place on land or at a building on the reserve used, possessed, occupied, or frequented by the said _____.
- 3. That I did effect service of a true copy of the said Notice upon the said _____, as aforesaid, on the _____ day of _____, 199__, at the hour of _____ o'clock in the _____ noon.

SWORN BEFORE ME this _____ day of _____, 199__, at _____ in the Province of British Columbia.


Commissioner for Taking Affidavits
in the Province of British Columbia

SKEETCHESTN INDIAN BAND

Trespass Bylaw No. 1997-1

Page 5

I, Thomas E. Hewitt, Councillor of the Skeetchestn Indian Band, do hereby swear and certify that a true copy of the Skeetchestn Indian Band Trespass Bylaw No. 1997-1 was forwarded to the Minister of Indian Affairs pursuant to Section 82 of the Indian Act this 20th day of May, 1997.



Councillor

Commissioner for Taking Affidavits
in the Province of British Columbia

G. HUTCHISON
Commissioner for taking affidavits in the
Province of B.C. Expiry date of appointment.

August 30, 1998