

BY-LAW 2014.03
By Law for the Removal of Trespassers

Millbrook Band

WHEREAS the Council of the Millbrook Band desires to make a By Law for the removal of persons trespassing on the lands of the Millbrook Band;

AND WHEREAS the Council of the Millbrook Band is empowered to make such a By Law 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 Millbrook Band, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for the prohibited purposes;

NOW THEREFORE the Council of the Millbrook Band hereby makes the following By Law:

Short Title

1. This by-law may be cited as the "Millbrook Trespass By Law".

Interpretation

2. For the purposes of this By Law,

"*Council*" means the Council of the Millbrook Band;

"*Lands*" means the all Millbrook Indian Reserve lands at I.R. #27 at Truro, Beaver Lake Indian Reserve #17, Sheet Harbour Indian Reserve #36 and Cole Harbour Indian Reserve #30 or any future lands acquired by the Millbrook Band through an Additions-to-Reserve Process.

"*Peace officer*" means a member of the local detachment of the Royal Canadian Mounted Police or other Police force that may in future become responsible for policing Millbrook Lands;

"*Resident of the reserve*" means a person authorized to reside on the reserve pursuant to the Indian Act or by permission of the Council of the Millbrook Band.

"*Trespass*" means entry onto, or the presence on, the lands of the Millbrook Band without lawful justification or after being asked to leave such lands by a Peace Officer at the direction of the Council of the Millbrook Band;

Prohibited Purposes

3. A person, other than a person referred to in Section 4, who, while on the lands of the Millbrook Band, conducts any of the following activities:
 - a. hunting, fishing or trapping;
 - b. selling services, wares or merchandise;
 - c. loitering;
 - d. soliciting financial assistance;
 - e. engaging in the sale or distribution of a controlled or illegal substance; or
 - f. does anything that constitutes an offence under any applicable by-law, provincial law or federal law;

shall be deemed to be frequenting the reserve for a prohibited purpose.

4. Section 3 does not apply to:
 - a. a person who is a Member of the Band; or
 - b. a person who, under a By-law of the Council of the Band or section of the *Indian Act*, has a permit, lease or license to conduct any activity referred to therein or is

otherwise permitted to conduct that activity.

5. If there are reasonable grounds to believe that a person who is not a Member of the Band is engaged in an activity on the reserve which would, if proven, constitute an indictable offence under provincial or federal law, Council may deem that person to be frequenting the reserve for a prohibited purpose and the Band Administrator may so notify that person in writing.
6. The Council of the Band may then deliver a copy of such notice to an Officer, who shall deliver the notice to the person who is therein named.
7. An Officer may order any person who frequents the reserve for a prohibited purpose under Section 3 to leave the reserve immediately.
8. Where a person who has been ordered to leave the reserve pursuant to Section 6, fails or refuses to do so, an Officer may take such reasonable measures as may be necessary to remove the person from the reserve.
9. A person who fails or refuses to comply with an order made under Section 7 to leave the reserve, or who resists or interferes with an Officer acting under Sections 6 or 8 commits an offence.

Penalties

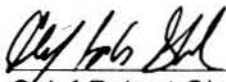
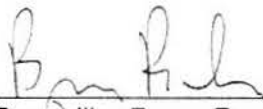

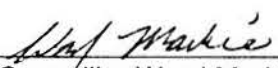
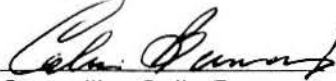
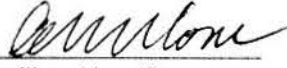


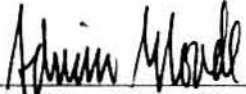


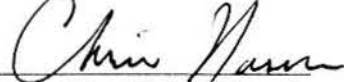
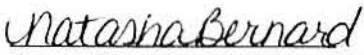
10. Any person who contravenes any of the provisions of this by-law commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

Severability

11. 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.
12. This By Law comes into force 40 days after the date of mailing to the Minister of Aboriginal Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

THIS BY LAW IS HEREBY made at a duly convened meeting of the Council of the Band this 21st day of May, 2014.

Voting in favour of the By Law are the following members of the Council:

 Chief Robert Gloade	 Councillor Bryan Brooks	 Councillor Gordon Johnson
 Councillor Ward Markie	 Councillor Colin Bernard	 Councillor Alex Cope
 Councillor Barry Martin	 Councillor Linda Maloney	 Councillor Adrian Gloade
 Councillor Vernon Gloade	 Councillor Peter Gloade	 Councillor Chris Nasson
 Councillor Natasha Bernard		

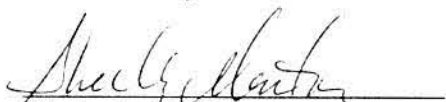
The quorum for this Council is set at five (5).

I, Chief Robert Gloade, Chief of the Millbrook Band, do hereby certify that an original of the foregoing By Law was mailed to the Minister of Aboriginal Affairs and Northern Development, pursuant to section 82, ss (i) of the *Indian Act*, this 21st day of May, 2014.



Robert Gloade
Chief of the Millbrook Band

Witnessed by:



Shelly A. Martin
Barrister & Solicitor
Millbrook First Nation