



Tsuut'ina Nation  
**XÁKÚJÁGHÁ · CHIEF AND COUNCIL**

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**March 14, 2018**

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**CHIEF AND COUNCIL MOTION**

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**Whereas** Chief and Council of the Tsuut'ina Nation have been duly elected pursuant to the provisions of the Chief and Council Electoral Code and are empowered to act on behalf of the citizens of the Tsuut'ina Nation;

**And whereas** Chief and Council of the Tsuut'ina Nation have met in a quorum at a duly convened meeting held on March 14, 2018;

**And whereas** by motion, and seconded and carried, it be resolved:

**Approve the name change from Trespass Bylaw to Trespass Law and approve the amendments thereto.**

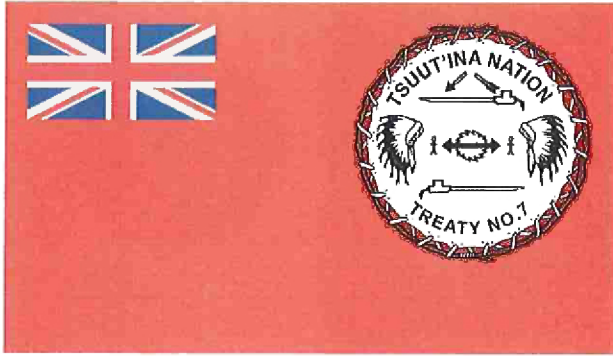
10 in Favor    1 abstain    1 Excused

  
\_\_\_\_\_  
Council Member, Kelsey Big Plume  
Chief and Council March Chairperson

hbc

pc:    Chief and Council  
      Finance  
      Terry Braun, General Legal Counsel

Jerry Simon, Chief Executive Officer  
Stephen Runner, Asst. Chief Executive Officer  
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## Trespass L.TP.1804.A1

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasala.

**A Document to Ratify the L.TP.1804.A1  
Within the Tsuut'ina First Nation Lands, Alberta, Canada**

**Enacted on September 18 of 2013 in Tsuut'ina Nation  
Coming Into Force: September 18, 2013**

**Amended on March 14 of 2018 in Tsuut'ina Nation  
Coming Into Force: April 24, 2018**



**Preamble**

**WHEREAS** the Tsuut'ina Nation Chief and Council desire to make a law to provide for the removal and punishment of a person trespassing on Tsuut'ina lands or premises;

**AND WHEREAS** the Tsuut'ina Nation is empowered by its inherent right of self-government, and under sections 81(1)(p), and (r) of the *Indian Act*;

**AND WHEREAS** it is considered to be expedient and necessary for the benefit, comfort and safety of Tsuut'ina Nation and its residents;

**NOW THEREFORE:** the Chief and Council hereby make the following law:

Trespass Law

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## Title and Interpretation

### Title

1. This law may be cited as the 'Trespass Law'.

### Interpretation

2. In this law:
  - (a) **"Chief and Council"** means the duly elected Chief and Council of the Tsuut'ina Nation.
  - (b) **"Law Enforcement Officer"** means an authorized representative of Tsuut'ina Nation, and includes a Peace Officer authorized by Chief and Council to give notice to a person not to trespass.
  - (c) **"Peace Officer"** means a police officer or police constable of the Tsuut'ina Police Service (*Tosguna*) or affiliated police service.
  - (d) **"Premises"** means a building, structure, or any lands used in connection with a building or structure for the purposes of:
    - i. Providing parking for vehicles;
    - ii. Displaying or storing vehicles, equipment or other chattels;
    - iii. Enhancing the appearance or use of a building or structure; or
    - iv. Carrying out activities which are ancillary to the activities carried out in or on that building or structure.
  - (e) **"Sign"** means a poster, signboard or other visible item providing notice to a person;
  - (f) **"Trespass"** means an unauthorized or uninvited presence on Tsuut'ina lands or premises.
  - (g) **"Trespasser"** means a person who commits trespass under this law.
  - (h) **"Tsuut'ina lands"** means those lands designated as reserve lands of the Tsuut'ina Nation, more generally described as Reserve No. 145.

**Trespass**

3. No person may trespass on Tsuut'ina lands or premises when that person has notice not to trespass.
4. Notice not to trespass shall be given:
  - (a) Orally by a Peace Officer or Law Enforcement Officer;
  - (b) In writing by a Peace Officer or Law Enforcement Officer; or
  - (c) By signs visibly displayed:
    - i. At entrances providing access to Tsuut'ina lands; or
    - ii. At other prominent locations on Tsuut'ina lands.
5. A trespasser shall be considered to have had notice not to trespass:
  - (a) When signs are displayed in accordance with Section 4(c); or
  - (b) Upon refusal of an order from a Peace Officer or Legal Enforcement Officer under Section 7 to leave Tsuut'ina lands or premises.

## Use of a Motor Vehicle

6. When trespass is committed using a motor vehicle, the driver of the motor vehicle is guilty of an offence under this law and is liable to a penalty under the Sections 14-18.

## Apprehension and Removal

7. A Peace Officer or Law Enforcement Officer may order a trespasser on Tsuut'ina lands or premises to leave Tsuut'ina lands immediately.
8. When a trespasser has notice to trespass, a Peace Officer may:
  - (a) Apprehend the trespasser without warrant;
  - (b) Issue a notice of appearance requiring the trespasser to appear before a court; or
  - (c) Use all reasonable measures, including restraint, physical force or powers of arrest to remove the trespasser from Tsuut'ina lands.
9. When a trespasser has notice not to trespass, a Law Enforcement Officer shall report the incident to a Peace Officer, who may then proceed under Section 8.
10. A person other than a Peace Officer or Law Enforcement Officer who apprehends a trespasser shall notify and deliver the trespasser to a Peace Officer as soon as possible.



**Exceptions**

11. This law shall not apply to:
  - (a) A person who under an enacted law, law or duly executed contract is permitted to conduct business or business-related activities on Tsuut'ina lands;
  - (b) A person who has been invited or granted access to Tsuut'ina lands by Chief and Council, including under an issued permit or by written authority; or
  - (c) Tsuut'ina lands designated for business purposes.
12. No proceedings under this law may begin more than six (6) months after the time of the offence.
13. In the case of trespass of continuing nature, no proceedings may begin more than six (6) months after the last occurrence of the offence.

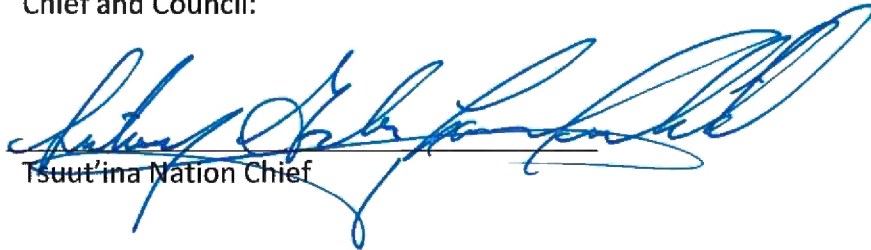
## Offence

14. A trespasser with notice not to trespass is guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars or imprisonment for a term not exceeding thirty (30) days, or both.
15. Where a Peace Officer believes that a person has contravened any provision of this law, the Peace Officer may issue a violation ticket.
16. The minimum penalty which may be imposed for:
  - (a) A first offence in respect of a violation of any provision of this law shall be a fine of one hundred and fifty (\$150) dollars;
  - (b) A second offence in respect of a violation of any provision of this law shall be a fine of three hundred (\$300) dollars;
  - (c) A third offence in respect of a violation of any provision of this law shall be a fine of five hundred (\$500) dollars.
17. This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance against the defendant, or from laying an information in lieu of a violation ticket.
18. Nothing in this law shall limit the authority of a Peace Officer to take steps to ensure compliance of this law.

**Chief and Council Signatory Page**

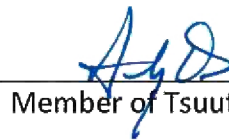
**THIS LAW IS HEREBY** made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 14<sup>th</sup> day of March 2018 by Nation Council Resolution.

Voting in favour of the Trespass Law as evidenced by signatures, are the following members of the Chief and Council:



Tsuut'ina Nation Chief

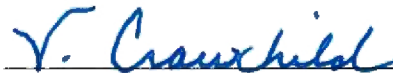
Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



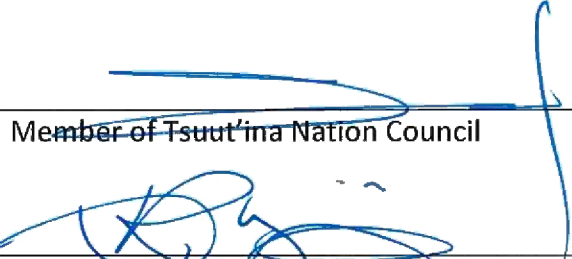
Member of Tsuut'ina Nation Council



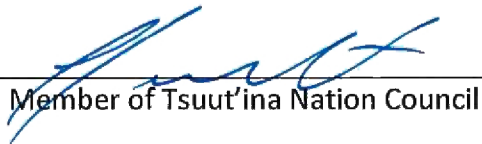
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