

E42.16-560
T.HOWE

Indian and Northern Affairs Canada / Affaires Indiennes et du Nord Canada
Indian and Inuit Affairs / Affaires Indiennes et Inuit

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1028
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**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "From our Band Funds", "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Kwayhquitlum First Nation	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	Vancouver	Committed - Engagé	\$ _____
PROVINCE	British Columbia	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	Kwayhquitlum	Committed - Engagé	\$ _____
DATE	09 June AD 19 98 DAY - JOUR MONTR - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

At a duly convened meeting of the Kwayhquitlum Chief and Council held June 9, 1998 be it resolved that:

The Council wishes to implement by-laws for the well being and best interests of the Kwayhquitlum First Nation and its members.

It is further resolved that:

The Council wishes the Department of Indian and Northern Affairs to certify and register the by-law attached:

By-law #101: A By-law for the removal and punishment of persons trespassing or frequenting the Reserve for prohibited purposes.

A quorum for this Bands
Pour cette bande la quorum est
consists of
fixé à
Council Members
Membres du Conseil

<i>Edward Hall</i> (Councillor - conseiller)	<i>Frank Thibert</i> (Councillor - conseiller)	
<i>Tom Warrick</i> (Councillor - conseiller)		
<i>A. Casette</i> (Councillor - conseiller)		

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE				
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens
	A. Capital	B. Revenue - Revenu		
\$	\$	\$		5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
6. Recommended - Recommandable			Approved - Approuvable	
Date Recommending Officer - Recommande par			Date Approving Officer - Approuve par	

Kwayhquitlum First NationBy-law Number: 101A BY-LAW FOR THE REMOVAL AND PUNISHMENT OF
PERSONS TRESPASSING OR FREQUENTING THE
RESERVE FOR PROHIBITED PURPOSES.

WHEREAS pursuant to the powers vested in the Council of Kwayhquitlum First Nation pursuant to subsections 81 (1) (p), (q) and (r) of the Indian Act, by-laws may be enacted for, inter alia, the removal and punishment of persons trespassing on the Reserve or frequenting the Reserve for prohibited purposes;

NOW THEREFORE the Council of Kwayhquitlum First Nation, in a open meeting assembled, enacts as follows:

Short Title

1. This by-law may be cited for all purposes as the "Trespass By-law".

Definitions

2. In this by-law, or in any resolution of the Council passed relating to this by-law, unless the context otherwise requires, the following words shall have the meanings hereinafter attributed to them:

"Council" means the Council of Kwayhquitlum First Nation.

"Ministee" means the Minister of Indian Affairs and Northern Development.

"Office" 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 all those tracts of land, the title to which is vested in the Crown in Right of Canada which are or have been set aside for the use and benefit of Kwayhquitlum First Nation and have not been unconditionally surrendered.

"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; or
- (d) soliciting financial assistance;

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).

Penalty

5. A person who violates any provision of this by-law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

Severability

6. (a) If any portion of this by-law is found invalid by decision of a court of competent jurisdiction the invalid portion shall be severed without effect on the remainder of the by-law.

- (b) Parts and titles are for convenience only and are not to be construed a part of the by-law.

April 5/98

By-Law # 101

Ron Pedersen
 Carl Miller
 Dan Gray
 George McPherson
 Doree Anderson
 Ron Giff
 Vebbe Jee
 Evelyn Schmitt
 Kenneth Jee
 Laura Williams

Barclay Grant

Fred Hulbert
 Mc...