



KWIKWETLEM FIRST NATION

BY-LAW NO 2014-01

TRESPASSING BYLAW

By-law No 2014-01 Being a By-law to repeal and replace By-law No. 101

Enacted on the 09 day of June 19 98

BACKGROUND:

- A. The Council of Kwikwetlem First Nation desires to establish a By-Law to regulate access to the Reserve and to provide for removal of persons trespassing.
- B. The Council of Kwikwetlem First Nation is empowered to make such a By-Law and any matter ancillary thereto pursuant to paragraphs 81(1)(p), (q) and (r) of the Indian Act RSC 1985, c. I-5
- C. It is deemed to be expedient and necessary, for the benefit, comfort and safety of the residents and members of the Reserve, to provide for the removal of persons trespassing.

DESIGNATION OF AREAS:

3. The Council may, by Band Council Resolution,
 - a) Designate locations and lots on the Reserve, including the walking trail named "Traboulay PoCo Trail", which are open or restricted to the public and at which "No Trespass" notices shall be installed; and
 - b) Designate locations on the Reserve in which the carrying on of certain activities is permitted or prohibited, including the use of an all-terrain vehicle, (ATV).

PROHIBITED PURPOSES AND TRESPASS

4. A person, other than a person referred to in paragraph 5, who conducts any of the following activities on the Reserve, namely;
 - a) Hunting, fishing or trapping, except by Band Members who have the exclusive right to hunt, fish and trap on the Reserve;
 - b) Hawking or peddling or wares or merchandise;
 - c) Loitering;
 - d) Camping, except in areas of the Reserve designated by Council pursuant to paragraph 3;
 - e) Accessing the "Traboulay PoCo Trail" except in areas of the Reserve designated by Council pursuant to paragraph 3;
 - f) Operation of an all-terrain vehicle (ATV), non-motorized vehicle or vehicle on roads and trails that are not open to the public, except in areas of the Reserve designated by the Council pursuant to paragraph 3;
 - g) Dumping of refuse;
 - h) Soliciting financial assistance; or
 - i) Any other activity that is prohibited by law or a Band By-Law,Shall be deemed to be frequenting the Reserve for a prohibited purpose and in Trespass.

7. Entry on a Premise may be prohibited by notice to that effect and entry is prohibited without any notice on a Premise that is enclosed or fenced in a manner that indicates the Occupier's intention to keep persons out of the Premise or to keep animals on the Premise.

METHOD OF GIVING NOTICE

8. A notice under this By-Law may be given,
 - a) Orally or in writing; or
 - b) By means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the Premise or the area of the Reserve to which it applies.
 - c) By means of a Band Council Resolution, clearly citing this By-Law.
 - d) By means of a written letter banning person/s from Reserve lands.
 - e) By means of a Civil Restraining Order
9. For purposes of this By-Law, a person has notice not to Trespass or not to engage in certain activities when he or she has been given notice by word of mouth or in writing by the Council, an Officer or an Occupier, as applicable, to refrain from entering or from remaining on the Premise or the Reserve.
10. A sign posted for the purpose of this section shall bear the words "No Trespassing" or "Carrying on of [describe the activity] is prohibited within [describe the area]".
11. Every person who tears down, removes, damages, defaces or covers up a sign posted under this By-Law that has been posted by the Council or the Occupier commits an offence.

THIS BY-LAW IS HEREBY made and approved at a duly convened meeting of the Council of the Kwikwetlem First Nation this 9 day of April 2014.

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



Chief



Councillor



Councillor

Being the majority of those members of the Council of Kwikwetlem First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 2 members. The number of members of the Council present at this meeting: 2