

BY-LAW NO. 2013-1

OF THE SHESHATSHIU INNU FIRST NATION BAND COUNCIL

A BY-LAW RESPECTING TRESPASSING ON RESERVE

WHEREAS the Reserve is the home of Sheshatshiu Innu First Nation and has been set aside for the First Nation's use and benefit;

AND WHEREAS the Council of Sheshatshiu Innu First Nation has deemed it expedient and necessary for the benefit, comfort and safety of its members, to provide for the removal and punishment of persons trespassing on the Reserve;

AND WHEREAS the Council has the authority to make by-laws regarding the removal and punishment of persons trespassing on the Reserve pursuant to section 81(1)(p) of the *Indian Act*;

AND WHEREAS the Council has the authority to make by-laws regarding the residence of band members and other persons on the Reserve pursuant to section 81(1)(p.1) of the *Indian Act*;

AND WHEREAS pursuant to section 30 of the *Indian Act*, anyone who trespasses on the Reserve is guilty of an offence and is liable to a fine or imprisonment, or both;

AND WHEREAS section 81 of the *Indian Act* makes violation of a by-law punishable by a fine or imprisonment, or both;

NOW THEREFORE, it is hereby enacted pursuant to section 81(1) of the *Indian Act*;

Short Title

This By-Law may be cited as the *Sheshatshiu Innu First Nation Trespassing By-Law*.

Interpretation

In this By-Law:

"Band" means Sheshatshiu Innu First Nation, as represented by its duly elected Chief and Council;

"Council" means the Chief and Council of the Sheshatshiu Innu First Nation;

"Officer" or "officer" 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 Council for the purpose of maintaining law and order on the Reserve;

"RCMP" means the Royal Canadian Mounted Police;

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"Reserve" means the reserve of the Sheshatshiu Innu First Nation set apart for the use and benefit of Sheshatshiu Innu First Nation and known as Sheshatshiu Indian Reserve Number 3;

"Trespassing" means the entry onto, or the presence on, the Reserve by a person without lawful justification.

Residence on Reserve

1. The Reserve has been set aside for Sheshatshiu Innu First Nation's use and benefit, and is intended for residence by members of the Sheshatshiu Innu First Nation, including any member's non-member spouse or dependent children, subject to this or any other By-Law of the Band.
2. Members of other Innu First Nations, including but not limited to Mushuau Innu First Nation, are permitted to reside on the Reserve based upon the historic community and kinship ties between the Innu First Nations, subject to this or any other By-Law of the Band.
3. Persons who are not members, spouses or dependent children of members of Sheshatshiu Innu First Nation or another Innu First Nation require written authorization from Council to reside on the Reserve.
4. Any person residing on the Reserve who does not do so in accordance with one or more of sections 1, 2 or 3 is Trespassing on the Reserve.
5. Persons who reside on the Reserve and who do not receive a written notice of Trespassing and order to vacate the Reserve under section 7 are deemed to have permission to remain on the Reserve, unless and until
 - a. they receive such written notice; or
 - b. reasonable efforts have been made, by persons authorized to do so under section 7, to provide them with such written notice.

Trespassing on Reserve

6. Any person Trespassing on the Reserve, including but not limited to persons referred to in section 4, may be removed pursuant to the procedure referred to in this By-Law.

Procedure for Removal of Trespassers

7. At any time, Council may, at a duly convened Council meeting, pass a Band Council Resolution authorizing a Councillor, an administrator, an employee or an agent of Sheshatshiu Innu First Nation or the Council to issue and deliver a written notice of Trespassing and order to vacate the Reserve to any person who is Trespassing on the Reserve, and a copy of such written notice shall be provided to the RCMP.

8. The person authorized under section 7 to issue and deliver a written notice of Trespassing and order to vacate the Reserve shall, if he or she is unable to deliver such written notice after reasonable efforts to do so have been made, complete a written document describing the efforts made to provide such written notice, which he or she shall certify to be true, and a copy of such written document shall be provided to the RCMP.
9. RCMP officers and other officers are hereby authorized to enforce written notices of Trespassing and orders to vacate the Reserve issued pursuant to this By-Law, and to use such reasonable measures as may be necessary to remove from the Reserve any person:
 - a. to whom a written notice of Trespassing and order to vacate the Reserve has been delivered; or
 - b. in respect of whom a person authorized under section 7 to issue and deliver a written notice of Trespassing and order to vacate the Reserve has been unable to deliver such written notice after reasonable efforts to do so have been made.
10. A person who has been declared in Trespass pursuant to this By-Law may be permitted to enter, be present on, or reside on, the Reserve on Resolution of the Council.

Offence

11. A person who fails or refuses to comply with an order to vacate the Reserve issued pursuant to section 7:
 - a. after receiving such notice;
 - b. after reasonable efforts have been made by a person authorized under section 7 to deliver such notice; or
 - c. who resists or interferes with an officer acting pursuant to section 9,commits an offence.
12. A person who commits an offence under section 11 is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding thirty (30) days, or to both.
13. 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.

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THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Sheshatshiu Innu First Nation this 18 day of September 2013.

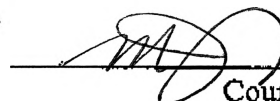
Voting in favour of the By-Law are the following members of the Council:



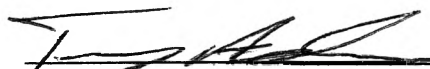
Chief



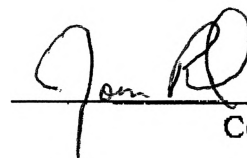
Councillor



Councillor



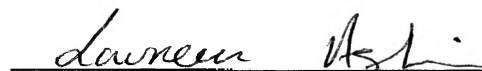
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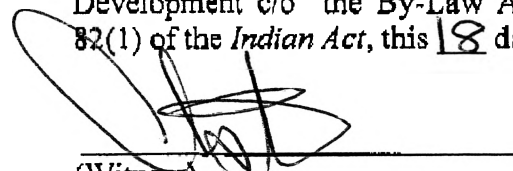
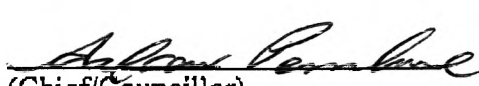
Councillor

being the majority of those members of the Council of the Sheshatshiu Innu First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 7.

I, Andrew Penashue, Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development c/o the By-Law Advisory Services Unit, Gatineau QC, pursuant to subsection 82(1) of the *Indian Act*, this 18 day of September, 2013.


(Witness)
(Chief/Councillor)