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**By-law No. 5
of the Kingsclear Indian Band**

**A By-law for the Removal and
Punishment of Persons Trespassing or
Frequenting the Reserve for
Prohibited Purposes**

WHEREAS the Council of the Kingsclear Indian Band desires to establish a by-law to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS the Council of the Kingsclear Indian Band is empowered to make such by-law, and any matter ancillary thereto 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 Kingsclear Indian reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

NOW THEREFORE the Council of the Kingsclear Indian Band hereby makes the following by-law:

Short Title

1. This by-law may be cited as By-law No. 5 Respecting Trespass in the Kingsclear reserve.

Interpretation

2. In this by-law:

"Council" means the Council of the Kingsclear Indian Band;

"Minister" means the Minister of Indian Affairs and Northern Development;

"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

the Council for the purpose of maintaining law and order on the reserve or as a by-law enforcement officer pursuant to By-law No.5 relating to Law and Order;

"reserve" means the reserve of the Kingsclear Indian Band;

"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;
- (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 licence 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.

This by-law is hereby made at a duly convened meeting of the Band Council of the Kingsclear Indian Band, this 16 day of JULY, 1991.

I, Steve Sasaki Chief of the Kingsclear Indian Band, do hereby certify that a true copy of the foregoing by law was faxed to the Minister of Indian Affairs and Northern Development at the Regional Office pursuant to subsection 82(1) of the Indian Act, this 16 day of JULY, 1991.

Steve Sasaki
Chief/Councillor

[Signature]
Witness

Barbara Atkinson

Joan Pollock

Clifford Sasaki
