

**By-Law No. 1997-6**  
**Mikisew Cree First Nation**  
**Being a By-law for the Removal and Punishment**  
**of Persons Trespassing or Frequenting**  
**the Reserve for Prohibited Purposes**  
**Enacted on the day 24 of June, 1997**

WHEREAS the Council of the Mikisew Cree First Nation desires to make 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 Mikisew Cree First Nation is empowered to make such by-law pursuant to paragraphs 81(1)(p), (q) and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of Mikisew Cree First Nation 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 Mikisew Cree First Nation hereby enacts the following by-law:

**Short Title**

1. This by-law may be cited as the " Mikisew Cree First Nation Removal of Trespassers By-law".

**Definitions**

2. In this by-law:

"Council" means the Council of the Mikisew Cree First Nation;

"officer" means any peace officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve pursuant to a resolution of the Council;

"reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the

Mikisew Cree First Nation and which is known as the Mikisew Cree First Nation Reserves Nos. 217, 218, 219, 220, 221, 222, 223, 224, and 225;

"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, services 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 person who

- (a) is a member of the Mikisew Cree First Nation;
- (b) is a lawful resident of the reserve; or
- (c) 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.

**Offence**

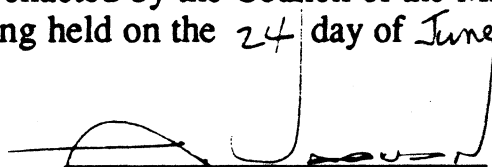
- 5. A person who fails or refuses to comply with an order made under subsection 4(1) to leave the reserve, or who resists or interferes with an officer acting under subsection 4(2), commits an offence.

**Penalty**

- 6. A person who commits an offence under this by-law 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.

**Enactment**

This By-law is hereby enacted by the Council of the Mikisew Cree First Nation at a duly convened meeting held on the 24 day of June, 1997.

  
 \_\_\_\_\_  
 Chief

  
 \_\_\_\_\_  
 Councillor

  
 \_\_\_\_\_  
 Councillor

  
 \_\_\_\_\_  
 Councillor

  
 \_\_\_\_\_  
 Councillor

  
 \_\_\_\_\_  
 Councillor

  
 \_\_\_\_\_  
 Councillor

I, ARCHIE WAGLAND, Chief/Councillor of the Mikisew Cree First Nation do hereby certify that a true copy of the foregoing By-Law No. 1997-6 was forwarded to the Minister of Indian Affairs and Northern Development pursuant to section 82(1) of the Indian Act, this 24<sup>th</sup> day of June, 1997.

  
 \_\_\_\_\_  
 Witness

  
 \_\_\_\_\_  
 Chief / Councillor