

TRESPASSING BY-LAW

BY-LAW # 1999-04

of the

Ojibways of Sucker Creek

Being a By-Law

for the

Removal & Punishment

of

Persons Trespassing or Frequenting the Reserve for Prohibited Purposes

on the

Sucker Creek First Nation

WHEREAS, the Council for the Ojibways of Sucker Creek desires to establish a by-law provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS, the Council for the Ojibways of Sucker Creek is empowered to make such a by-law pursuant to paragraphs 81(1) (p.1), (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 Ojibways of Sucker Creek to provide for the removal and punishment of persons trespassing on reserve lands or frequenting the reserve for prohibited purposes;

NOW THEREFORE, the Council for the Ojibways of Sucker Creek hereby makes the following By-Law:

Ojibways of Sucker Creek**Trespassing By-Law**

1. SHORT TITLE:

This By-Law may be cited as the "Ojibways of Sucker Creek Removal of Trespassers By-Law".

2. INTERPRETATION

In this By-Law

"*Band*" means the Ojibways of Sucker Creek;

"*Council*" means the Council, as defined in the Indian Act, of the Ojibways of Sucker Creek;

"*Member of the Band*" means a person whose name appears or is entitled to have his/her name appear on the Ojibways of Sucker Creek Band Membership List pursuant to the Indian Act or the membership rules of the Band.

"*Officer*" means any police officer, police constable or other person charges with the duty to preserve and maintain the public peace, and any by-law enforcement officer or other person appointed by the Council for the purpose of maintaining law and order on the reserve pursuant to By-Law Number _____ Relating to Law and Order.

"*Reserve*" means the Ojibways of Sucker Creek numbers 23 and 180..

"*Trespass*" means the entry onto, or the presence on, the reserve by a person without lawful justification.

3. PROHIBITED PURPOSES

i. A person, other than a person referred to in subsection (2), who conducts or is suspected of conducting on the reserve any of the following activities, namely:

- a) hunting, fishing, or trapping;
- b) hawking, or peddling of wares and merchandise;
- c) loitering;
- d) soliciting financial assistance;
- e) any illegal activity.

...shall be deemed to be frequenting the reserve for a prohibited purpose.

Ojibways of Sucker Creek**Trespassing By-Law**

- ii subsection (i) 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 herein or is otherwise permitted to conduct that activity.

4. ORDER to LEAVE

- i. 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.
- ii. 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 deemed necessary to remove the person from the reserve.
- iii. No person shall fail or refuse to comply with an order made under Subsection (i) to leave the reserve, or shall resist or interfere with an officer acting under Subsection (ii).

5. PENALTY

- i. 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.
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Ojibways of Sucker Creek

Trespassing By-Law

THIS BY-LAW
 is not to determine what constitutes a "Trespass",
 rather it deals with the
REMOVAL & PUNISHMENT
 of trespassers on reserve,
 is hereby enacted at a duly convened meeting
 of the Band Council
 for the
 Ojibways of Sucker Creek
 this
7 day of Sept, 1999.

Voting in favour of the By-Law




Chief Diane Abotossaway



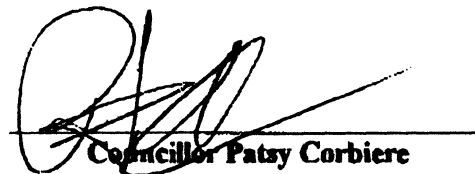
Councillor Craig Abotossaway



Councillor Marvin Assinewai



Councillor Terry Abotossaway



Councillor Patsy Corbiere

I, Chief Diane Abotossaway, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Affairs, pursuant to Subsection 82 (1) of the Indian Act, this 7 day of Sept, 1999.



Chief Diane Abotossaway



Witness/Councillor



Indian and Northern Affairs Canada

Chronological no. -

1065

File reference no. -

NOTE: The words "from our Band funds" or "from our reserve", whichever is the case, must appear in all resolutions requesting expenditures from Band funds.

The Council of the Ojibways of Sucker Creek		Cash free balance
Date of duly convened meeting		Capital account \$ _____
D	M	Y-
2	8	0 6 9 9
Province		Revenue account \$ _____

DO HEREBY RESOLVE:

REMOVAL & PUNISHMENT of TRESPASSERS

WHEREAS, the Council for the Ojibways of Sucker Creek desires to establish a by-law provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS, the Council for the Ojibways of Sucker Creek is empowered to make such a by-law pursuant to paragraphs 81(1) (p.1), (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 Ojibways of Sucker Creek to provide for the removal and punishment of persons trespassing on reserve lands or frequenting the reserve for prohibited purposes;

THEREFORE, the Council for the Ojibways of Sucker Creek hereby makes the following By-Law.

Quorum _____

[Signature]
(Councillor)

(Councillor)

(Councillor)

[Signature]
(Chief)

[Signature]
(Councillor)

(Councillor)

(Councillor)

[Signature]
(Councillor)

(Councillor)

(Councillor)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue	Expenditure	Authority	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
Recommending officer - Signature _____ Date _____			Recommending officer - Signature _____ Date _____		
Approving officer - Signature _____ Date _____			Approving officer - Signature _____ Date _____		