

**ANISHINAABEG OF KETTLE AND STONY POINT FIRST NATION
BYLAW NO 21-2**

**For the Removal and Punishment of Persons Trespassing on the
Anishinaabeg of Kettle and Stony Point First Nation Reserve
and**

**Being a Bylaw to Repeal and Replace Bylaw No. 21 (for the Removal and Punishment of
Persons Trespassing or Frequenting the First Nation for Prohibited Purposes)**

WHEREAS Section 81(1)(a), (d), (n), (o), (p), (q) and (r) of the *Indian Act*, R.S.C., ch. I-5, as amended, empowers the Council of a Band to make such bylaw and any matter ancillary thereto;

AND WHEREAS the Anishinaabeg of Kettle and Stony Point First Nation has the Inherent Right and desire to establish a bylaw to provide for the health and safety of residents of the First Nation's reserve, for the removal and punishment of persons trespassing on the First Nation's reserve or frequenting the First Nation's reserve for prohibited purposes, and to provide for penalties;

AND WHEREAS it is deemed to be expedient and necessary, for the health, safety and benefit of the Anishinaabeg of Kettle and Stony Point First Nation;

NOW THEREFORE, the Anishinaabeg of Kettle and Stony Point First Nation, hereby repeals Bylaw No. 21 in its' entirety and enacts this bylaw as follows:

1 SHORT TITLE

This bylaw may be cited as the "Anishinaabeg of Kettle and Stony Point First Nation Trespassing Bylaw".

2 INTERPRETATION

- 2.1 "Anishinaabeg of Kettle and Stony Point First Nation" means the Chippewas of Kettle and Stony Point First Nation.
- 2.2 "Council" means the duly elected Chief and Councillors of the Chippewas of Kettle and Stony Point First Nation.
- 2.3 "Member" means a person whose name appears on the band list of the Anishinaabeg of Kettle and Stony Point First Nation.
- 2.4 "Officer" means a peace officer or public officer within the meaning of the *Criminal Code*, and any person appointed by the Council for the purpose of maintaining law and order within the First Nation's reserve.
- 2.5 "Reserve" means the lands that have been set apart for the use and benefit of the Chippewas of Kettle and Stony Point First Nation pursuant to the *Indian Act*.

3 TRESPASS AN OFFENCE

- 3.1 Every person who is not a Kettle and Stony Point First Nation member and who is not acting under a right or authority conferred by law or by Council and who,
- 3.1.1 enters onto or is within the Kettle and Stony Point First Nation reserve when entry is prohibited by Council to protect the health and safety of the First Nation's members and notice of such prohibition is posted at the point of entry to the reserve;
 - 3.1.2 engages in a prohibited activity on the Kettle and Stony Point First Nation reserve;
 - 3.1.3 engages in an activity on the Kettle and Stony Point First Nation reserve when the activity is prohibited by Council to protect the health and safety of the First Nation's members and notice of such prohibited activity is posted at the point of entry to the reserve; or
 - 3.1.4 does not leave the reserve immediately after he or she is directed to do so by an Officer for the health and safety of the Kettle and Stony Point First Nation members,
- is guilty of 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 (30) days, or to both.

4 PROHIBITED ACTIVITY


- 4.1 The following activities are prohibited when conducted by a person who is not a Kettle and Stony Point First Nation member within the reserve:
- 4.1.1 hunting, fishing or trapping without a valid licence issued by the Council;
 - 4.1.2 hawking or peddling, of wares or merchandise or soliciting, without a valid licence issued by Council;
 - 4.1.3 loitering and vagrancy; or
 - 4.1.4 residing on the reserve without a Temporary Residence Permit or Residential Lease issued by the Council.

5 POWERS OF AN OFFICER

- 5.1 An Officer may order any person who is trespassing on the reserve to leave the reserve immediately.
- 5.2 Where a person has been ordered by an Officer 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. The Officer may only use as much force as is reasonably necessary to remove that person from the reserve.

THAT THIS Council of Chippewas of Kettle and Stony Point First Nation Repeal Bylaw No. 21 and replace it with this Bylaw No. 21-2 respecting the removal of trespassers on the Kettle and Stony Point First Nation Reserve.

AND THIS BYLAW IS HEREBY made at duly convened meeting of the Council of the Chippewas of Kettle and Stony Point this 4th day of May, 2020.



(Chief)



(Councillor)



(Councillor)



(Councillor)



(Councillor)



(Councillor)

(Councillor)




(Councillor)

(Councillor)

(Councillor)

Quorum: Five (5)

I, Corrinna Jackson, of the Kettle and Stony Point First Nation, do hereby certify that the foregoing bylaw was approved by the Kettle and Stony Point Council and a copy of the foregoing bylaw was posted on the First Nations Gazette on May 8, 2020 in accordance with s. 86(1) of the *Indian Act*.



Corrinna Jackson/ Governance