

REMOVAL OF TRESPASSERS BYLAW

BYLAW NO. 2001 - 10 OF THE SONGHEES FIRST NATION

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

WHEREAS the Council of Songhees First Nation 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 Songhees First Nation 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 Songhees 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 Songhees First Nation hereby makes the following by-law:

Short Title

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

Interpretation

2. In this by-law

"Council" means the Council of Songhees First Nation as defined in the Indian Act;

"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;

"reserve" means the reserve or reserves or lands of the Songhees First Nation;

"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;
- (e) committing a nuisance within the meaning of the Songhees First Nation Nuisance & Disturbance Bylaw No. 2001 - 08, as amended from time to time, or any successor bylaw;
- (f) committing an offence under the Criminal Code of Canada;
- (g) committing a breach of the provisions of the Songhees First Nation Traffic & Parking Control

Bylaw No. 2001 - 09, as amended from time to time, or any successor bylaw;

(h) disturbs the peace and tranquility of members of the Songhees First Nation or people lawfully residing on the reserve lands of the Songhees First Nation; or,

(i) engaging in actions or activities that are contravene or are opposed to the culture and traditions of the Songhees First Nation and its members or are disrespectful of, or insulting to, the culture and traditions of the Songhees First Nation and its members,

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.

Amendment

6. Council must follow the following procedures in amending or repealing this bylaw:

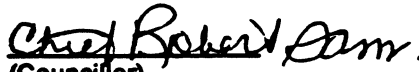
(a) Council must present the amendment or proposal to repeal for discussion at three separate meetings;

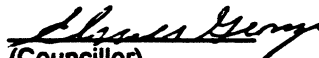
(b) Council must provide at least 15 days notice to members prior to each meeting referred to in paragraph 6(a). Such notice must indicate the nature of the bylaw being discussed;

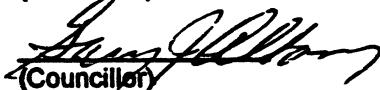
(c) Council must allow any member, or any person who may possibly be affected by the proposed bylaw, to present written or oral comments at any of the meetings required by paragraph 6(a). Council may, however, set reasonable restrictions on the amount of time allowed for such comments.

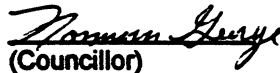
This by-law is hereby made at a duly convened meeting of the Band Council of Songhees First Nation this 19th day of June, 2001.

Voting in favour of the by-law are the following members of the Council:


(Councillor)


(Councillor)


(Councillor)

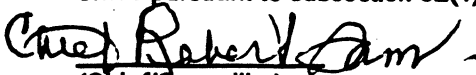

(Councillor)

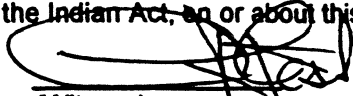
being the majority of those members of the Band Council of the Songhees First Nation present at the aforesaid meeting of the council.

The quorum of the Band Council is members.

Number of members of the Band Council present at the meeting: 4

I, Robert Sam, Chief/Councillor of the Songhees First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Ottawa office pursuant to subsection 82(1) of the Indian Act, on or about this 19th day of June, 2001.


(Chief/Councillor)


(Witness)