



**Skawahlook First Nation
Removal of Trespassers Law 2014**

SKAWAHLOOK FIRST NATION
REMOVAL OF TRESPASSERS LAW, 2014

(A Law for the Removal and Punishment of Persons Trespassing or Frequenting the Reserve for Prohibited Purposes within the Skawahlook I.R #1 & Ruby Creek I.R #2)

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WHEREAS the Skawahlook First Nation has an inherent right to self- government which emanates from our people, culture, and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

AND the Skawahlook First Nation has taken over control and management of Skawahlook Reserve lands and resources pursuant to the *Framework Agreement on First Nation land Management* and has enacted the *Skawahlook First Nation Land Code* effective the 5th day of August, 2010;

AND under the *Skawahlook First Nation Land Code*, Skawahlook Council is authorized to pass various laws relating to lands including laws relating to the removal and punishment of persons trespassing or frequenting the reserve for prohibited purposes under section 4(74) of the Code;

AND Council deems it necessary for the benefit, comfort and safety of people, lands, buildings and resources on Skawahlook Lands to provide for the removal of trespassers and those frequenting the reserve for prohibited purposes;

NOW THEREFORE BE OT RESOLVED THAT this *Skawahlook First Nation Removal of Trespassers Law, 2011* is hereby enacted as a Law of the Skawahlook First Nation.

PART 1. NAME

1.1 This Law may be cited as the *Skawahlook First Nation Removal of Trespassers Law, 2011*.

PART 2. PURPOSE

2.1 The purpose of this Law is to protect Skawahlook First Nation residents, land, buildings and resources from persons trespassing on or frequenting the reserve for prohibited purposes.

PART 3. WHERE THIS LAW APPLIES

- 3.1 The provisions of this Law apply to the whole area of the Reserve and Skawahlook First Nation Lands as defined in the Skawahlook First Nation Land Code.

PART 4. DEFINITIONS

- 4.1 For the purpose of this Law, terms have the same definitions as in the Land Code;

- 4.2 For the purpose of this Law, the following definitions apply:

“Administrator” means any person, who is appointed by Council in the capacity of Administrative Worker of Skawahlook First Nation;

“Law Enforcement Officer” means any person or persons appointed by the Council, from time to time, to administer and enforce the provisions of Skawahlook Laws enacted by Council, and includes any delegate, the RCMP, and any peace officer;

“Skawahlook” or “SKFN” means the Skawahlook First Nation

“Trespass” means entry onto, or the presence on, the reserve by a person without lawful jurisdiction.

PART 5. GENERAL PROVISIONS

- 5.1 The headings of parts and section of this Law have been inserted as a matter of convenience and for reference only and in no way define or limit any of its provisions.
- 5.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.
- 5.3 This Law shall be and remain in effect on Skawahlook Land at all times.
- 5.4 An order made pursuant to this Law shall be binding when it has been advertised once in a newsletter circulating in the community, or when it has been posted in the Skawahlook First Nation Office.

PART 6. PROHIBITED PURPOSES

- 6.1 Any person, other than a person referred to in section 6.2 who conducts any of the following on Skawahlook First Nation lands, without the expressed authority of Chief and Council;
- (a) hunting, fishing or trapping;
 - (b) removal of natural resources;
 - (c) hawking, peddling, or soliciting;

- (d) loitering;
- (e) activities contrary to the criminal code.

Must be deemed to be frequenting Skawahlook First Nation for a prohibited purpose.

6.2 Notwithstanding the above section 6.1, this does not apply to:

- (a) a person who is a registered Skawahlook Band member; or
- (b) is authorized by Chief and Council to be on Skawahlook land to perform their authorized activity.

6.3 Any Law Enforcement Officer may order any person to leave Skawahlook lands who frequents Skawahlook for a prohibited purpose.

6.4 Where a person has been ordered to leave Skawahlook lands fails or refuses to do so, the Law Enforcement Officer may take such measures as may be necessary to remove that person from Skawahlook land.

6.5 A person who fails or refuses to comply with an order made under section 6.1 to leave the reserve, or shall resist or interfere with an officer acting under section 6.3 commits an offence.

6.6 Notwithstanding section 6.2 a person found on Skawahlook land is presumed not to have the consent of Chief and Council to be on Skawahlook lands.

PART 7. TRESPASS

7.1 A person commits an offence if the person does any of the following:

- (a) enters Skawahlook land without permission;
- (b) enters premises without the occupier's permission; or
- (c) engages in an activity on or in a premises after the person has had notice from the occupier of the premises that the activity is prohibited

7.2 Notwithstanding section 7.1, this does not apply to:

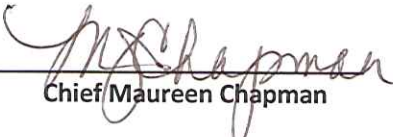
- (a) a person who is a registered Skawahlook Band member; or
- (b) a person who is authorized by Chief and Council to be on Skawahlook land to perform their authorized activity.


- 7.3 Any Law Enforcement Officer may order any person to leave Skawahlook lands who is trespassing on Skawahlook land.
- 7.4 Where a person who has been ordered to leave Skawahlook lands fails or refuses to do so, the Law Enforcement Officer may take such measures as may be necessary to remove that person from Skawahlook land.
- 7.5 A person who fails or refuses to comply with an order made under section 7.1 to leave the reserve, or shall resist or interfere with an officer acting under section 7.3 commits an offence.
- 7.6 Notwithstanding section 7.2 a person found on Skawahlook land is presumed not to have the consent of Chief and Council to be on Skawahlook land.

PART 8. PENALTY

- 8.1 A person who violates any provision of this law commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000.00) or to imprisonment for a term not exceeding Thirty (30) days or to both.

BE IT KNOWN that this Law, entitled the Skawahlook First Nation Removal of Trespassers Law, 2014 is hereby enacted by a quorum of Council at a duly convened Council of the Skawahlook First Nation held on June 24, 2014.


Chief Maureen Chapman


Councillor Debra Schneider

A quorum consists of 2
Council Members



Chronological no. - N° consecutive BYLAW - TRES 2014-2015
File reference no. - N° de reference du dossier BYLAW TRES - 2014

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear on all resolutions requesting expenditures from band funds.
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon les cas doivent paraître dans tous les résolutions portant sur des dépenses à même les fonds des bandes.

The council of the Le conseil de		SKAWAHL00K FIRST NATION			Cash free balance – Soldé disponible
		D-J	M	Y-A	Province
Date of duly convened meeting Date de l'assemblée dument convoquée	▶	24	06	14	British Columbia
					Capital account Compte capital \$
					Revenue account Compte revenu \$

DO HEREBY RESOLVE:
DÉCIDE PAR LES PRESENTES:

WHEREAS:

Skawahlook First Nation ratified the Skawahlook First Nation Land Code by referendum on the 29th day of March 2010;

WHEREAS:

The Council of Skawahlook First Nation completed the Removal of Trespassers Law (RTL) in consultation with legal guidance and the Skawahlook First Nation Lands Advisory Committee in March 2013.

WHEREAS:

The membership received a copy of the Removal of Trespassers Law (RTL) and a summary outlining the purpose and intent of the RTL and was requested to provide feedback before June 2, 2014.

NOW THEREFORE:

The Chief and Council of the Skawahlook First Nation, at a duly convened meeting, enact this Removal of Trespassers Law as a Law of the Skawahlook First Nation.

This resolution is supported by the undersigned and passed this 24 day of June 2014.

A quorum for this Band consists of 2 (two) council members

Chief Maureen Chapman

Councillor Debra Schneider

FOR DEPARTMENTAL USE ONLY – RÉSERVÉ AU MINISTÈRE					
Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens	Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu	Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens	Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu
Recommending officer – Recommandé par			Recommending officer – Recommandé par		
_____ Signature		_____ Date	_____ Signature		_____ Date
Approving officer – Approuvé par			Approving officer – Approuvé par		
_____ Signature		_____ Date	_____ Signature		_____ Date