

BAND COUNCIL RESOLUTION

Natoaganeg (Eel Ground) First Nation
47 Church Road, Eel Ground, NB, E1V4E6

Council:	Natoaganeg (Eel Ground) First Nation		
District:	New Brunswick		
Province:	New Brunswick		
Date	September, 20, 18	BCR No. 20-2018-1	Quorum Five

DO HEREBY RESOLVE:

BY-LAW NO 20-2018-1
OF THE EEL GROUND 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 the Eel Ground 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 Eel Ground 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 members of the Eel Ground First Nation reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS nothing in this by law shall deem to alter, diminish, derogate or abrogate Mi'kmaq Aboriginal and Treaty Rights, including the spirit and intent of our Aboriginal and Treaty Rights.

NOW THEREFORE the Council of the Eel Ground First Nation hereby makes the following By-law:

SHORT TITLE

1. This By-law may be cited as the "Eel Ground First Nation Removal of Trespassers By- law".

INTERPRETATION

2. In this By-law

"Band" means the Eel Ground First Nation;

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

"Minister" means the Minister of Indian and Northern Development;

"Peace 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 Eel Ground reserve lands.

"Reserve" means the all Eel Ground Indian Reserve lands at Eel Ground Indian Reserve #2 at New Castle, Big Hole Tract 8 (South Half) Indian Reserve, Renous Indian Reserve # 12, or any future lands acquired by the Eel Ground First Nation through an Additions-to- Reserve Process.

"Resident of the reserve" means a person authorized to reside on the reserve pursuant to the Indian Act or by permission of the Council of the Eel Ground First Nation.

"Trespass" means entry onto, or the presence on, the reserve without lawful justification or after being asked to leave such lands by a Peace Officer at the direction of the Council of the Eel Ground First Nation;

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) panhandling;
 - (e) trafficking or distributing illegal substances; or
 - (f) does anything that constitutes an offence under any applicable by-law, provincial law or federal law;

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 license to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

ENFORCEMENT

- 4. (1) If there are reasonable grounds to believe that a person who is not a Member of the Band is engaged in an activity on the reserve which would, if proven, constitute an indictable offence under provincial or federal law, Council may deem that person to be frequenting the reserve for a prohibited purpose and the Band Administrator may so notify that person in writing.
- (2) The Council of the Band may then deliver a copy of such notice to an Officer, who shall deliver the notice to the person who is therein named.
- 5. (1) Where the Council deems a person to be frequenting the reserve for a prohibited purpose, an officer shall order that 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

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

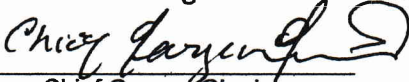

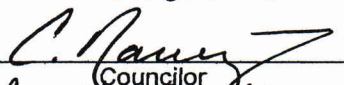
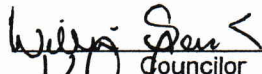
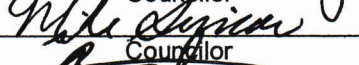

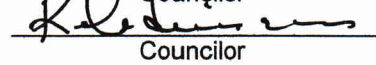

SEVERABILITY

- 6. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest of the By-law shall not be affected.

7. This By Law comes into force upon publication of the by-law on the Eel Ground First Nation website or the *First Nation Gazette*.

THIS BY LAW IS HEREBY made at a duly convened meeting of the Council of the Band this 20th day of September, 2018.


Voting in favour of the By Law are the following members of the Council:

	 _____ Chief George Ginnish	
 _____ Councillor	 _____ Councillor	 _____ Councillor
 _____ Councillor	 _____ Councillor	 _____ Councillor
 _____ Councillor	_____ Councillor	_____ Councillor
_____ Councillor	_____ Councillor	_____ Councillor

I, Chief George Ginnish, Chief of the Eel Ground First Nation, do hereby certify that an original of the foregoing By Law was published on the Eel Ground First Nation website: www.eelgroundfirstnation.ca on the 20th day of September, 2018.



Chief George Ginnish



Witness