

BAND COUNCIL RESOLUTION

MAGNETAWAN FIRST NATION

Hwy 529 · Britt, Ontario · Canada POG 1A0

BCR Number:
2013/14 - 37

Council Of:
MAGNETAWAN FIRST NATION

Quorum:
3

Date of Duly Convened Meeting:
__7__ / __21__ / __2014__
Month Day Year

Purpose: MAGNETAWAN FIRST NATION TRESPASS and REMOVAL BY-LAW

WHEREAS: the Council of Magnetawan First Nation desires to establish a by-law to provide for the removal and punishment of persons trespassing on the MFN First Nation reserve or frequenting the First Nation Reserve for prohibited purposes, and;

WHEREAS: the Council of Magnetawan First Nation is empowered to make such a by-law and any matter ancillary thereto pursuant to Section 81 (1) (p), (q) and (r) of the Indian Act, and;

WHEREAS: the Council of Magnetawan First Nation deem it to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the Magnetawan First Nation, to provide for the removal and punishment under the law of persons trespassing on the reserve or frequenting the reserve for the purposes of conducting prohibited and/or illegal activities, therefore;

BE IT RESOLVED: that the Council of Magnetawan First Nation approves the following BY-LAW titled “**Magnetawan First Nation Trespass and Removal By-law**”

Chief
William Diabo

Councilor
Joanne Dominic

Councilor
Lloyd Myke

The above resolution was tabled and passed at a duly convened meeting of the Chief and Council held in the administration offices of the Magnetawan First Nation (known as the Magnetawan First Nations Band) on the 21st day of July 2014.

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1. INTERPRETATION

“Council” means the Council of Magnetawan 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 any other person charged with the duty to uphold the law and preserve and maintain the public peace, and any person appointed by the Council of Magnetawan First Nation for the purpose of maintaining law and order on the reserve

“Reserve” means the land known as Magnetawan First Nation Reserve # 1

“Trespass” means the entry onto, or the presence on the reserve by a person or persons without lawful justification or authorization by the Council of Magnetawan First Nation.

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2. Reasons for Prohibiting Access to Magnetawan First Nation

2.1. Any Person, other than a person referred to in Section (81) subsection (2), who while on the Magnetawan First Nation reserve conducts any of the following activities without authorization from Council:

(A) Hunting, Fishing, Trapping or Gathering

(B) Hawking or peddling of wares or merchandise

(C) Loitering

(D) Soliciting

(E) Conducting illegal activities

(F) Entering the Reserve with the intent to seize property.

2.2. Any person identified by Council by a Band Council Resolution as a trespasser and not entitled to be on the Magnetawan First Nation Reserve shall be deemed to be unlawfully on the reserve

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3. EXCEPTIONS

3.1 Section (81) Subsection (1) does not apply to:

(A) Any person or persons who are Lawful Registered Members of the Magnetawan First Nation Reserve

(B) Any person who, under a by-law of the Council of Magnetawan First Nation, is issued a valid license or letter of authorization from Council to conduct any activity referred to herein.

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4. ENFORCEMENT

4.1 An 'OFFICER' may order any person or persons deemed to be trespassing to leave the Magnetawan First Nation Reserve immediately and/or escort them off the Reserve immediately.

4.2 An 'OFFICER' may take reasonable measures as may be necessary to remove any trespassers who refuse or fail to vacate when ordered to do so.

4.3 An 'OFFICER' may issue a trespass ticket to any person ordered to vacate the Magnetawan First Nation Reserve.

4.4 No person shall fail or refuse to comply with an order made under Section (81) subsection (1) of the Indian Act, to leave the Reserve, or shall resist or interfere with an 'OFFICER' acting under Section (81) subsection (2) of the Indian Act.

5. PENALTY

Any 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 (30) days, or both.

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I, William Diabo, Chief of Magnetawan First Nation do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian and Northern Affairs at the district/regional/Hull office pursuant to section 82 subsection (1) of the Indian Act, this 3rd day of July, 2014.

**Chief
William Diabo**

**Witness - Band Manager
Cindy Thompson**

Draft June 08, 2014
First Reading, June 16, 2014, Business Council Meeting
Revised: June 16, 2014
Posted June 16, 2014
Revised: No Revisions
Final Reading July 21st, 2014

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Councilor

Councilor

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