
LYTTON FIRST NATION
TRESPASS BY-LAW No. 2016-01

BACKGROUND:

A. The Council of the Lytton First Nation desires to establish a By-law to regulate traffic access to Kleetlekut Indian Reserve No. 22A and Tuckozap Indian Reserve No. 24 (together the "Reserve") to restrict the size of commercial vehicles and to provide for removal of persons trespassing. The First Nation, as a member of the Nlaka'pamux Nation, has Aboriginal Title to the Reserves.

B. The Council of the Lytton First Nation is empowered to make such a By-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(b), (p), (q) and (r) of the *Indian Act* and under the right to manage Aboriginal Title land.

C. It is deemed to be expedient and necessary, for the benefit, comfort, health and safety of the residents and members of the Reserve, to restrict the size of commercial vehicles and to provide for the removal of persons trespassing.

NOW THEREFORE the Council of the Lytton First Nation hereby resolves to make the following Trespass By-law:

Short title

1. This By-law may be cited as the "Trespass By-law".

Interpretation

2. In this By-law,

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

"Officer" means any police officer, peace officer 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 Kleetlekut Indian Reserve No. 22A and Tuckozap Indian Reserve No. 24 of the Lytton First Nation; and

"Trespass" means entering or remaining without lawful authority on the Reserve or without the authorization of the First Nation.

Prohibited Purposes and Trespass

3. A person who operates a commercial vehicle larger than a single axle 9,100 kg GVW shall be deemed to be frequenting the Reserve for a prohibited purpose and in Trespass, other than a person referred to in paragraph 4.

Right of Access

4. Paragraph 4 does not apply to the following persons who have a right of access to the Reserve:
 - a) members of Lytton First Nation and their invitees not operating a commercial vehicle larger than a single axle 9,100 kg GVW;
 - b) members of any Band of the Nlaka'pamux Nation and their invitees not operating a commercial vehicle larger than a single axle 9,100 kg GVW; or
 - c) a person who has written authorization from the Chief or Band Administrator of the Lytton First Nation.

Trespass of Premise an Offence

5. Any person who enters the Reserve with a commercial vehicle larger than a single axle 9,100 kg, without the authorization of the First Nation under 4(c), is guilty of an offence.

Method of Giving Notice

6. A notice under this By-law may be given,
 - a) orally or in writing; or
 - b) by means of signs posted so that a sign is clearly visible under normal conditions from the approach to each ordinary point of access to the Reserve.
7. For the purposes of this By-law, the First Nation may provide verbal or written notice to vehicle operators operating commercial vehicles larger than a single axle 9,100 kg GVW to refrain from entering or from remaining on the Reserve.
8. A sign posted for the purposes of this By-law shall bear the words, "No trespassing through the Reserve by commercial vehicles larger than a single axle 9,100 kg GVW. As ordered by the Lytton First Nation, TRESPASS BY-LAW No. 2016-01."

Enforcement

9. An Officer may order any person who is in Trespass to leave the Reserve immediately.

- 10. Where a person fails or refuses to obey an order made under paragraph 9, an Officer may take such reasonable measures as may be necessary to remove the person from the Reserve.
- 11. No person shall fail or refuse to comply with an order made under paragraph 9, or shall resist or interfere with an Officer acting under paragraph 10.

Penalty

- 12. 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 both.

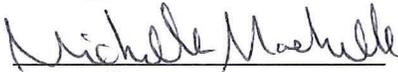
THIS BY-LAW IS HEREBY made and approved at a duly convened meeting of the Council of the Lytton First Nation this 16 day of March 2016.

The quorum of the Council is 5 members. The number of members of the Council present at the meeting: 9

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


Chief


Councilor


Councilor


Councilor


Councilor


Councilor


Councilor


Councilor


Councilor

Councilor

Councilor

Councilor

Councilor

being the majority of those members of the Council of the Lytton First Nation present at the aforesaid meeting of the Council.