
DRAFT TRESPASS LAW OVERVIEW

PURPOSE

The purpose of this Law is to provide for the protection, management, use and possession of LNIB Land by:

- a. regulating the residence and access of individuals invited on LNIB Land; and
- b. prohibiting trespassers on LNIB Land.

ROLES AND DUTIES

Council	Enforcement Officer	Administrator
<ul style="list-style-type: none">• Ratify this law• Appoint Enforcement Officers and the Administrator of this law• Issue and rescind Prohibition Orders to prohibit access to LNIB Lands• Set fines and other penalties for offences	<ul style="list-style-type: none">• Make inspections, investigations; inquiries, collect samples, evidence• Enter land, unoccupied buildings, dwellings under certain conditions• Take lawful measures to remove individuals	<ul style="list-style-type: none">• Administration of matters set out under this Law• Powers include all things necessary to fulfill the duties and responsibilities• Provide copies of Prohibition Orders to affected parties• Publish Prohibition Orders• Manage disputes related to Prohibition Orders

KEY TERMS IN THE LAW

"Interest" means an interest in LNIB Land, and includes an Allotment (or CP), Leasehold, and Easement, but for greater certainty does not include title to the land.

"Licence" means a licence, permit or other permission granted under this Land Code, or a licence or permit issued pursuant to the *Indian Act* prior to the effective date of this Land Code, to use, develop, or extract specified Natural Resources from, or otherwise have non-exclusive use of, LNIB Land but which does not grant an Interest in, or possession to, LNIB Land.

"Invited Guest" means a person authorized to:

- a. reside on LNIB Land because they have been invited to do so by an Inviter in accordance with paragraph 24.1(d) [Right of Tenancy] of the Land Code; or
- b. access LNIB Land because they have been invited to do so by an Inviter in accordance with paragraph 24.2(c) [Right of Access] of the Land Code.

"Inviter" means:

- a. the following persons who are authorized to invite another person to reside on LNIB Lands:

- i. a Member who has been allocated a residential lot by Council under paragraph 24.1(a) [Right of Tenancy] of the Land Code; and
 - ii. a Member with an Interest in LNIB Land, in accordance with paragraph 24.1(c) [Right of Tenancy] of the Land Code; and
- b. a holder of an Interest or a Licence in LNIB Lands who is authorized to invite another person to access LNIB Lands, in accordance with paragraph 24.2(a), (b) and (c) [Right of Access] of the Land Code;

PROHIBITION ORDER

If Council has reasonable grounds to believe that an Invited Guest poses a threat or may cause harm to the LNIB community or LNIB Land then Council may, by Band Council Resolution, revoke that right by issuing a Prohibition Order that prohibits the Invited Guest from residing on LNIB Lands, from accessing LNIB Lands, or both. The Order must be delivered to the individuals affected within 5 days and will be posted in public places. Individuals affected by the order can dispute it in writing.

TRESPASS PROHIBITED

A Person who does any of the following, without lawful authority or permission, commits an offence:

- a. enters onto or occupies a Premises if entry onto or occupation of the Premises is prohibited;
- b. enters onto, occupies or does not immediately leave a Premises after a Notice of Trespass, setting out that the Person's entry onto or occupation of the Premises is prohibited; or
- c. engages in or does not immediately stop an activity on or in a Premises, after being given a Notice of Trespass setting out that the activity they are or were engaging in is prohibited on or in the Premises.

NOTICE OF TRESPASS

Notice of Trespass may be given in one or more of the following ways:

- a. orally or in writing;
- b. by means of a sign or signs which are posted so that the signs:
 - i. are clearly visible;
 - ii. contain writing that is clearly legible, if any writing is used, to indicate a prohibition; and
 - iii. contain graphic representations that are clearly visible, if any graphic representation is used, to indicate a prohibition; or
- c. by Band Council Resolution posted in a public area and available at the LNIB administrative offices.

RATIFICATION

The Lands Department is planning to schedule community engagement meetings regarding the draft Trespass Law in March 2024 and the Chief and Council may consider ratifying the Law in April 2024. Look for more meeting details in the newsletter. Contact Stephen Jimmie at 250-378-5157 or stephen.jimmie@lnib.net if you have any questions about the draft Trespass Law.
