

**Plain Language Version of the proposed Wahta  
Mohawks Trespass By-Law**

NOTICE: Please note that the following is not the Wahta Mohawks Trespass By-Law. This document contains a plain language version of the proposed Wahta Mohawks By-Law to guide community discussions. The Wahta

Mohawk Trespass By-Law, if passed, would be the legally binding and authoritative document.

## **Preamble:**

Wahta Mohawks have inherent and other rights to govern themselves, in regards to their territory and citizens/members.

Wahta Mohawks have rights to enact By-Laws to govern its citizens/members and has the right to enforce its By-Laws.

## **Short Title:**

The name of the By-Law is the Trespass By-Law

## **Interpretation:**

Provides an explanation/definition of the terms for the Trespass By-Law

## **Designation of Areas:**

Wahta Mohawks have the authority to designate areas and buildings on reserve for a specific use or purpose.

Wahta Mohawks also have the authority to prohibit certain activities.

## **Prohibited Purposes:**

Wahta Mohawks can designate activities that are prohibited in order to govern the First Nation. The list is not exclusive.

The Prohibited Purposes do not apply to members of Wahta Mohawks who have authority to carry out the Prohibited Purpose.

Example: members of Wahta Mohawk have lawful authority to hunt on Wahta Mohawk Territory.

## **Trespass of Premises an Offence**

Wahta Mohawks and Occupiers of a premises have the right to prohibit persons from designated areas.

Occupiers have a right to direct people to leave a designated area or building at any time. Being removed from a designated area does not mean that the person will be removed from the reserve.

People who enter prohibited areas or who participate in prohibited activities are guilty of an offence under this By-Law and are trespassing.

Example 1: members with a Certificate of Possession are Occupiers of their land and have the right to prohibit people from coming onto their land.

Example 2: Wahta Mohawks can designate areas for a purpose and prohibit activities that interfere with that purpose.

## **Trespass on Reserve:**

Wahta Mohawks have the authority to remove persons trespassing on Wahta Mohawk Territory.

## **Procedure for Removal of Trespassers:**

**Please Note: This is just the procedure under the proposed Trespass By-Law you still have all other available remedies under the law to enforce your rights. For Example, you can still contact the Police directly to have someone removed from your property.**

This is the procedure to remove trespassers from a premises or reserve.

The first step is that Chief and Council must pass a Band Council Resolution that the person is guilty of the offence of trespass.

Once the person is deemed to be guilty of trespass, Chief and Council authorize an agent to serve the order to vacate and provide a copy to the police.

The order to vacate allows the OPP or another officer to use reasonable measures to enforce the notice of trespass.

## **Offence:**

A person who does not comply with the order to vacate is guilty of an offence.

## **Penalty:**

If a person did not comply with the order to vacate they could be liable for a fine of maximum \$1000.00 or imprisoned for 30 days.

If a person did not comply with the order to vacate and caused damages, they could be liable for the cost of those damages.