

**BY-LAW NO. _____
of the Berens River 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 Berens River 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 Berens River 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*, R.S.C. 1985, c. I-5;

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Berens River First Nation reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

NOW THEREFORE the Council of the Berens River First Nation hereby makes the following By-Law:

Short title

1. This By-Law may be cited as the " Berens River First Nation Removal of Trespassers By-Law".

Interpretation

2. In this By-Law,

"*Council*" means the Chief and Council of the Berens River First Nation;

"*officer*" means any police officer, Community Safety Officer, police constable, special constable or other person charged with the duty to preserve and maintain the public peace, and any person appointed or contracted by the Council for the purpose of maintaining law and order on the reserve;

"*reserve*" means the reserves of the Berens River First Nation and any other reserve lands under the authority of Council;

"*trespass*" means the entry onto, or the presence on, the reserve by a person without lawful justification.

Prohibited Purposes

3.1 Any person, other than a person referred to in subsection (2), who without authorization from the Council, conducts on the reserve any of the following activities including, but not limited to:

- a) hunting, fishing or trapping;
- b) hawking or peddling of wares or merchandise;
- c) loitering;
- d) soliciting financial assistance;
- e) disorderly conduct;
- f) Illegal or unauthorized activity

shall be deemed to be frequenting the reserve for a prohibited purpose.

3.2 Subsection (1) does not apply to:

- a) a person who is a lawful resident of the reserve; or
- b) a person who, pursuant to any duly enacted By-Law of the Berens River First Nation, holds a valid licence to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

3.3 An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately.

3.4 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.

3.5 A person who fails or refuses 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) commits an offence.

Penalty

4. 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 to both.

5. This By-Law shall come into force upon it being first published pursuant to subsection 86(1) of the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Berens River First Nation this 10 day of May, 2019.

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



Chief Hartley Everett

Councillor Norman J. McKay

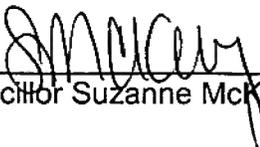
Councillor Roland Whiteway



Councillor Steve Berens



Councillor Gerald Kemp



Councillor Suzanne McKay

Being the majority of those members of the Council of the Berens River First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is four (4) members.

The number of members of the Council present at the meeting: