

**HEART LAKE FIRST NATION**

**By-law No. 1991-6  
of the Heart Lake First Nation #469**

**A By-law for the Removal and  
Punishment of Persons Trespassing  
or Frequenting Reserve #167 for  
Prohibited Purposes**

**WHEREAS** the Chief and Council of the Heart Lake First Nation #469 desires to make 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 Chief and Council of the Heart Lake First Nation #469 is empowered to make such a by-law pursuant to paragraphs 81 (1) (p), (q) and (r) of the Indian Act;

**AND WHEREAS** it is considered to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Heart Lake Reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

**NOW THEREFORE** the Chief and Council of the Heart Lake First Nation #469 hereby makes and adopts the following by-law:

**Short Title: This by-law may be cited as "*By-law No. 1991-6, HLFN Trespassing By-law.*"**

**Interpretation**

1. In this by-law,

"Chief and Council" means the duly elected Chief and Council of the Heart Lake First Nation #469

"officer" means any police officer, police constable, or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Chief and Council for the purpose of maintaining law and order on the reserve.

"reserve" means the reserve of the Heart Lake First Nation, specifically reserve number 167, located near Heart Lake, Alberta.

"trespass" means the entry onto, or the presence on, any person without lawful justification.

### Prohibited Purposes

2.1 Except as provided in subsection 2.2, a person who conducts on the reserve any of the following activities, namely:

2.1.a hunting, fishing, or trapping;

2.1.b hawking or peddling of wares or merchandise;

2.1.c loitering;

2.1.d soliciting financial contributions or assistance;

2.1.e displaying or discharging firearms;

2.1.f threatening other persons lawfully on the reserve;

2.1.g creating a public disturbance by way of: creating excessive noise, erratic or unsafe operation of a motor vehicle, shouting, or arousing residents between the hours of 11.00 pm and 7.00 am;

2.1.h selling, distributing, or otherwise dispensing alcohol or any other substance intended for use as an intoxicant, whether or not for profit;

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

2.2 Subsections 2.1.a; 2.1.b; 2.1.c; 2.1.d; and 2.1.e do not apply to a person who

2.2.a is a lawful resident of the reserve; or

2.2.b under a by-law of the Council, holds a currently valid licence to the extent which such licence grants authority to pursue such activities on the reserve.

### Removal

- 3.1 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.
- 3.2 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.
- 3.3 No person shall fail or refuse to comply with an order made under subsection 3.1 to leave the reserve, or shall resist or interfere with an officer acting under subsection 3.2.

### Offence

- 4.1 A person who violates any provision of this by-law commits an offence.

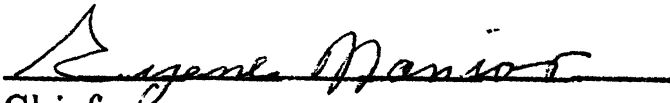
### Penalty


- 5.1 A person who commits an offence under this by-law 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.

**Adoption**

This by-law is hereby made at a duly convened meeting of the Chief and Council of the Heart Lake First Nation this 18th day of November 1991.

Voting in favour of the by-law are the following members of the Council.

  
Chief

  
Member of the Council


  
Member of the Council

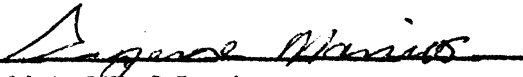
being the majority of those members of the Council of the Heart Lake First Nation #469 present at the aforesaid meeting of the Council.

The quorum of the Council is two members.

Number of members of the Council present at the meeting is three.

I, Eugene Monias, Chief of the Heart Lake First Nation, do hereby certify that a true copy of the foregoing by-law was faxed to the Minister of Indian Affairs and Northern Development at the St. Paul, Alberta district office, pursuant to subsection 82 (1) of the Indian Act, this 18th day of November, 1991.

  
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Witness

  
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Chief E. Monias