

By-law No. 1998.2  
of the Clearwater River Dene Nation

A BY-LAW FOR THE REMOVAL AND  
PUNISHMENT OF PERSONS TRESPASSING OR  
FREQUENTING THE RESERVE FOR  
PROHIBITED PURPOSES

ENACTED ON THE 30<sup>th</sup> DAY OF MARCH, 1998

**WHEREAS** the Council of the Clearwater River Dene 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 Clearwater River Dene 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*;

**AND WHEREAS** it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Clearwater River Dene Nation Indian 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 Clearwater River Dene Nation hereby makes the following by-law:

**Short Title**

1. This by-law may be cited as "*By-law No 98.2 Respecting the Removal of Trespassers on the Clearwater River Dene Nation Reserve*".

**Interpretation**

2. In this by-law:

"*Council*" means the Council of the Clearwater River Dene Nation Band as defined in the *Indian Act*;

"*Minister*" means the Minister of Indian Affairs and Northern Development;

"*Officer*" means any police officer, police constable 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;

“prohibited purposes” means the conducting of any of the following activities on the reserve, namely:

- (a) hunting, fishing or trapping;
- (b) hawking or peddling of wares or merchandise;
- (c) loitering;
- (d) soliciting financial assistance; or
- (e) [other prohibited activities];

PROVIDED that this does not apply to:

- (a) a person who is a lawful resident of the reserve; or
- (b) a person who, under a by-law of the Council, holds a valid license to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

“*reserve*” means the reserve of the Clearwater River Dene Nation Band and includes the Clearwater River Dene Nation Band’s Reserves Nos. 221, 222 and 223;

“*trespass*” means the entry onto, or the presence on, the reserve by a person without lawful justification or, if a non-band member, after having been requested to leave the reserve by a band member, remains on the reserve.

- 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.
- (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) No person shall fail or refuse 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).


#### **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.

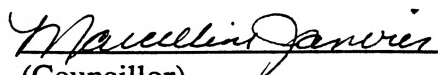
**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Band Council of the Clearwater River Dene Nation this 30<sup>th</sup> day of March, 1998.


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

  
\_\_\_\_\_  
(Chief)

  
\_\_\_\_\_  
(Councillor)

  
\_\_\_\_\_  
(Councillor)

  
\_\_\_\_\_  
(Councillor)

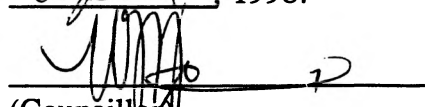
  
\_\_\_\_\_  
(Councillor)

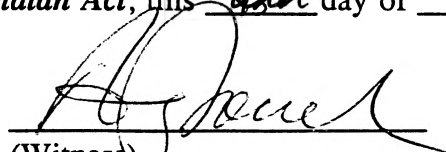
being the majority of those members of the Band Council of the Clearwater River Dene Nation present at the aforesaid meeting of the council.

The quorum of the Band Council is Four (4) members.

Number of members of the Band Council present at the meeting: 5 (FIVE)

I, WALTER HAINEAULT, Councillor of the Clearwater River Dene Nation Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be), pursuant to subsection 82(1) of the *Indian Act*, this 30<sup>th</sup> day of April, 1998.

  
\_\_\_\_\_  
(Councillor)  
Walter Haineault

  
\_\_\_\_\_  
(Witness)