

**SALT RIVER FIRST NATION RESERVE
TRESPASS BY-LAW**

WHEREAS the Salt River First Nation is a signatory to Treaty No. 8 (signed July 17, 1899) with Her Majesty the Queen and also a signatory to the Salt River First Nation Treaty Settlement Agreement (signed June 22, 2002) with Her Majesty the Queen in right of Canada;

WHEREAS by Orders-in-Council dated September 5, 2008, July 30, 2009 and May 23, 2011 Her Majesty the Queen set aside lands to be known as the Salt River First Nation Reserve #195;

WHEREAS the Council of the Salt River First Nation has the traditional governance of the Salt River First Nation and also exercises all of the powers of a "council of the band" under the *Indian Act* of Canada, including the power to make by-laws under section 81(1)(n), (p), (q) and (r) of that Act;

WHEREAS Council deems it to be expedient and necessary for the benefit, comfort and safety of the members of the Salt River First Nation and residents of the Salt River First Nation Reserve #195 and the protection of the Reserve, to regulate the conduct and activities of persons entering upon the Reserve and to provide for the removal from the Reserve of persons trespassing on the Reserve or frequenting the reserves for prohibited purposes;

NOW THEREFORE the Council of the Salt River First Nation hereby enacts the following by-law:

Title

1. This By-law may be cited as *The Salt River First Nation Reserve Trespass By-Law*.

Definitions

2. In this By-Law:

"Council" means the Council of the Salt River First Nation;

"hawking and peddling" means and includes going from place to place on the Reserve to buy, sell, or otherwise deal in wares or merchandise or services, or offering or exposing for sale on the Reserve to any person by means of samples, patterns, cuts, blueprints, or pictures, merchandise to be afterwards delivered or shipped onto the Reserve;

"Officer" means any police officer, peace officer or other person charged with the duty to preserve and maintain the public peace, and any person appointed by Council for the purpose of maintaining law and order on the Reserve; and, for purposes of clarity it

includes members of the Royal Canadian Mounted Police, Parks Canada Law Enforcement Wardens and Territorial Wildlife Officers;

"Reserve" means the lands set aside for the Salt River First Nation as Salt River First Nation Reserve #195 by Orders-in-Council No. PC2008-1666, No. PC2009-1244, PC2011-0752 and such other Orders-in-Council that may be issued by Her Majesty the Queen as required in accordance with the Salt River First Nation Treaty Settlement Agreement; and includes, for clarity, the lands formerly known as the Salt Plains Reserve #195.

"trespass" means entering or remaining on the Reserve without lawful justification and includes injury or damage to the Reserve or property on the Reserve of any type whatsoever caused by or resulting from entering on or remaining on the Reserve without lawful justification.

Trespass

3. No person shall trespass on the Reserve.

Prohibited Purposes and Trespass

4. A person, other than a person referred to in Section 5, who conducts any of the following activities on the Reserve,
 - a. hunting, fishing or trapping;
 - b. hawking or peddling of wares or merchandise;
 - c. loitering;
 - d. camping;
 - e. operating an all-terrain vehicle (ATV) or snowmobile or other motorized or non-motorized vehicle on the Reserve;
 - f. dumping refuse or waste; and
 - g. any other activity that is prohibited by federal or territorial law or by Salt River First Nation By-Law;

shall be deemed to be frequenting the Reserve for a prohibited purpose and to be trespassing on the Reserve.

Lawful Justification

5. Section 3 and Section 4 do not apply to the following persons who have a right of access to the Reserve:
 - a. members of the Salt River First Nation, except that they have no right of access to the cabin locations or areas within the Reserve that Council has designated for the use and occupation of specific individuals or their families, whether or not those individuals are present;
 - b. a person invited onto the Reserve by a member of the Salt River First Nation and who, being accompanied by that member, shares that member's right of access;
 - c. a person who has entered onto the Reserve, who is carrying Council's written authorization and is conducting himself in accordance with Council's written authorization;
 - d. a person authorized by federal or territorial law or by Salt River First Nation By-Law;
 - e. a person travelling on a public road on or through the Reserve;
 - f. a person participating in activities on the Reserve that are authorized by Council;
and
 - d. an Officer in the course of duty.

Enforcement and Penalties

6. If an Officer reasonably believes a person is trespassing on the Reserve the Officer may order that person to leave the Reserve immediately.
7. If an Officer reasonably believes a person is frequenting the Reserve for a prohibited purpose the Officer may order that person to leave the Reserve immediately.
8. Where a person fails or refuses to obey an order made under Section 6 or Section 7, an Officer may take such reasonable measures as may be necessary to remove the person from the Reserve.
9. Any person who fails to comply with an order made under Section 6 or Section 7 or who resists or interferes with an Officer acting under Section 8 is guilty of an offence under this By-Law and liable on summary conviction to a fine not exceeding \$1,000.00 or to a term of imprisonment not exceeding 30 days, or both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Salt River First Nation this 31 day of March, 2014.

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

Frieda Martselos
(Chief)

[Signature]
(Councillor)

[Signature]
(Councillor)

[Signature]
(Councillor)

[Signature]
(Councillor)

[Signature]
(Councillor)

[Signature]
(Councillor)

Don Matthews
(Councillor)

being the majority of those members of Council present at that meeting of Council.

Quorum for a meeting of Council is 4 members.

Members of Council present at that meeting: 5

I, Frieda Martselos, Chief/Councillor of the Salt River First Nation #195, do hereby certify that a true copy of the Salt River First Nation Reserve By-Law was mailed to the Minister of Aboriginal Affairs and Northern Development (Canada) at the District/Regional/Hull Office of the Department pursuant to subsection 82(1) of the *Indian Act*, on this 31 day of March, 2014.

Frieda Martselos Chief SRFN
(Chief/Councillor)

[Signature]
(Witness)

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d Mailroom

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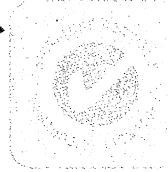
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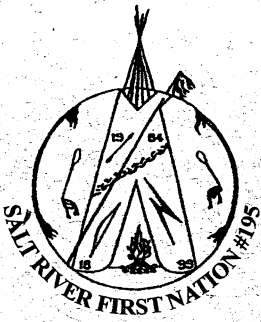
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ATT: Kathryn Bruce