

Kainai/Blood Tribe Trespass Bylaw

Permit Regulation

Definitions

1. In this Regulation

- (a) "Blood Tribe Corporation" means a body corporate including any subsidiary thereof, established by the Blood Tribe Council and approved by Band Council Resolution;
- (b) "Bylaw" means the *Kainai/Blood Tribe Trespass Bylaw*;
- (c) "Family" means spouse, common law spouse, child, mother, father, brother, sister, grandmother, grandfather, grandchild, aunt, uncle, nephew, niece, mother-in-law and father-in-law;
- (d) "Permit Issuer" means a Person designated to issue Permits pursuant to the Bylaw;
- (e) "Person" means an individual and does not include corporations or entities;
- (f) "Public Activities" include:
 - (i) Public events such as funerals, sporting events, bingos, hand games, pow wows and similar activities and have been designated as such by being provided a sign as set out in section 12(b) of the Bylaw by a Permit Issuer;
 - (ii) Businesses that are sponsored or owned by community members or authorized by Council and have been designated as such by being provided a sign as set out in section 12(b) of the Bylaw by a Permit Issuer;
 - (iii) Facilities or programs attended by persons who are receiving health, wellness or other related services from a Blood Tribe Corporation or other Blood Tribe agency or department, such as Kainai Healing Lodge Centre, Kainai Transition Centre Society, Youth Ranch, Adolescent Treatment Centre, Men's Shelter, Women's Shelter, and any similar service provider and have been designated as such by being provided a sign as set out in section 12(b) of the Bylaw by a Permit Issuer; and
 - (iv) Family events such as birthdays, reunions, and special occasions where Blood Tribe Family members gather.
- (g) "Spouse" means a Person held out as a partner of a marriage that is either legal, common law or traditional.

Part 1

Permits

Permit Required

2.

- (a) Subject to subsection (b), a Person, other than Blood Tribe members, shall not enter onto the Reserve without a Permit.
- (b) If a Permit Issuer is not immediately available and there is imminent serious danger to, or imminent serious danger of damage to, Persons or property because of any thing, process or activity on the Reserve, or because of a fire hazard or risk of a serious nature, a Person may, without a Permit, enter onto Reserve lands to address the emergency situation but that Person must apply for a Permit as soon as Permit Issuer is available.

Liability

3. A Permit issued under this Regulation does not make or imply any assurance or guarantee against personal harm or property damage as a result of a Person entering onto Reserve lands.

TYPES OF PERMITS

Residential Permits

4. A Residency Permit is required for any Person who resides on the Reserve and is not a Blood Tribe member.
- (a) A Person who is not a Blood Tribe member but is the Spouse of a Blood Tribe member may apply for an annual Residency Permit provided that the Blood Tribe member Spouse resides on the Reserve.
 - (b) Children under the age of 18 who are children of either a Blood Tribe member or the Spouse of a Blood Tribe member or are in the care of a Blood Tribe member and are not Blood Tribe members or eligible to be Blood Tribe members and residing with a Blood Tribe member on the Reserve may be considered for an annual Residency Permit upon application by a Blood Tribe member who has care of the child.
 - (c) A person over the age of 18 years who is a Family member of a Blood Tribe member but is not a Blood Tribe member or eligible to be a Blood Tribe member may be considered for an annual Residency Permit upon application by that person.
5. Residency Permits issued to Persons who are residing on the Reserve shall contain terms and conditions that shall be abided by while the Residency Permit is in force.

6. Persons, who are over the age of 18, applying for Residency Permits shall provide a current criminal record check with the application and if the check shows a criminal conviction then depending upon the date and type of the conviction a Residency Permit may be denied.
7. Any Person who is residing on the Reserve under a Residency Permit who conducts themselves in a manner that is not in the best interests of the Blood Tribe, including causing damage to Persons or property or engaging in unlawful activities, may cause the Residency Permit to be cancelled.

Entry Permits

8.
 - (a) Any Person who is not a Blood Tribe member or residing on the Reserve under a Residency Permit or in possession of a Permit issued under these regulations, must obtain an Entry Permit prior to entering on any Reserve lands.
 - (b) Notwithstanding subsection (a), a Person may enter onto Reserve lands for the sole purpose of obtaining a Permit under these Regulations or for the sole purpose of attending at Public Activities.
 - (c) Persons who have been issued an Entry Permit are permitted to be on the Reserve only for the purpose that the Permit was issued
9. A Person who is in possession of a Permit issued pursuant to section 28(2) of the *Indian Act*, or Persons who are officers, contractors, agents or employees of that Person, shall still require an Entry Permit prior to exercising any rights pursuant to the section 28(2) Permit.
10. Entry Permits shall be issued either annually, for a specified time period or as a day pass as follows:
 - (a) Annual Permits may be applied for by:
 - (i) Employers for Persons who are employees of Blood Tribe Administration or Blood Tribe Corporations;
 - (ii) Professional firms or Persons who are retained by the Blood Tribe or Blood Tribe Corporation on a continuous basis, including lawyers, accountants, health care providers, engineers and auditors.
 - (iii) Trades people and contractors who conduct business on the Blood Reserve on a regular basis;
 - (iv) Persons who work for businesses on the Reserve; and
 - (v) Any other Persons who have a lawful reason to be on the Reserve on a regular basis.
 - (b) Seasonal or Specific Purpose Permits may be applied for by:

- (i) Trades or contract Persons who will be on the Reserve for a specific time period and for a specific project;
 - (ii) Persons who are conducting agricultural operations on the Reserve with the consent of Council and subject to an agreement or section 28(2) of the *Indian Act* permit; and
 - (iii) Any other Person who has the authority to be on the Reserve for a specific purpose or project and for a specific period of time.
- (c) Day Permits may be provided to Persons by:
- (i) Persons who have meetings with Blood Tribe Departments or Corporations; or
 - (ii) Persons who are conducting lawful business on the Reserve for one day only.
- (d) Minor children not residing on the Reserve who are Family members of Blood Tribe members may be provided a Permit exempting them from the requirement to obtain an annual entry permit until they reach the age of 18 years.
- (e) Entry permits shall be used for the purpose that they are issued for and for no other purpose, including residing on the Reserve.

Public Activity

11. Persons who are attending at a Public Activity do not require a Permit for the sole purpose of attending at that Public Activity.
12. Persons who are organizing a public event, who own or operate a business, or who operate a facility or program, as defined as a Public Activity in these Regulations, may apply for a sign that would designate them as a Public Activity.

Part 2

Permit Administration

Where to Submit Permit Applications

13. Residential Permit Applications shall be submitted to the Blood Tribe Membership Department.
14. Exemption Permit Applications for minor children not residing on the Reserve who are family members of Blood Tribe members shall be submitted to the Blood Tribe Membership Department.
15. Annual, Season or Specific Purpose Entry Permit Applications shall be submitted to the Blood Tribe Lands Management Department.

16. Day Permits shall be issued by:
 - (a) The specific Blood Tribe Department or Corporation that a Person will be meeting with, or
 - (b) By the Blood Tribe Lands Management Department for all other Persons that are conducting lawful business on the Reserve for one day only.

17. All Permit applications shall include the following:
 - (a) Applicant name, address, telephone number;
 - (b) If business, the representative of business;
 - (c) Type of Permit requested;
 - (d) Location for Permitted activity;
 - (e) Cheque or money order;
 - (f) Supporting documentation as required for type of Permit; and
 - (g) Any other information the Permit issuer considers necessary.

18. All Permits issued shall contain:
 - (a) Person or business to whom Permit has been issued
 - (b) Permit Number;
 - (c) Type of Permit
 - (d) Date through which Permit will remain valid;
 - (e) Fee amount collected;
 - (f) Confirmation that Permit application has been investigated and name of Person issuing Permit; and
 - (g) Specific activities covered by the Permit.

19. The Permit holder must:
 - (a) Comply with the terms of conditions of the Permit;
 - (b) Attend only on the areas of the Reserve specified by the Permit;
 - (c) Advise the Permit Issuer if there are any changes in the circumstances why the Permit holder requires a Permit;
 - (d) Advise the Permit Issuer if the Permit is no longer required; and

- (e) If the specified time and location permitted is changed.
20. Permit termination or cancellation
- (a) A Permit may be cancelled or terminated by a Permit Issuer in the following instances:
 - (i) The Permit has expired in which case it will be terminated automatically;
 - (ii) The terms of the Permit are not complied with;
 - (iii) The Person to whom the Permit was issued is found trespassing outside of the area covered by the Permit;
 - (iv) The Person to whom the Permit was issued is conducting activities not authorized under the Permit;
 - (v) The Person to whom the Permit was issued is no longer employed or otherwise conducting business on the Reserve;
 - (vi) The Person to whom the Permit was issued is charged with a criminal offence while on the Reserve;
 - (vii) The Person to whom the Permit was issued is convicted of a criminal offence that impacts the reasons for which the Permit was authorized in the first instance;
 - (viii) The Person to whom the Residential Permit was issued no longer resides with a Blood Tribe member or on the Reserve; or
 - (ix) For any other reason that the Permit Issuer reasonably believes is cause to cancel or terminate the Permit.
21. Applications for a Public Activity sign shall be made to the Blood Tribe Lands Management Department.
22. Fees for Permits shall be set out in Schedule "A" to this regulation and may be amended from time to time by Band Council Resolution.
23. These Regulations come into force when the Blood Tribe Council has passed a Band Council Resolution adopting them and upon the *Kainai/Blood Tribe Trespass Bylaw* coming into force.

