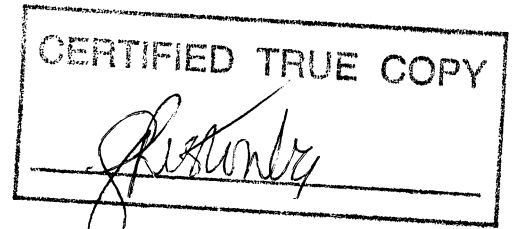


SERPENT RIVER INDIAN RESERVE

CUTLER, ONTARIO P0P 1B0
705-844-2418



THE SERPENT RIVER BAND OF OJIBWAY BY-LAW NO. 201-1991-01

Being a By-Law pursuant to subsections 81 (1) (p), 81 (1)(p.1), 81(1) (p.2) and 81(1)(r) of the Indian Act R.S.C. 1970 c. I-6, as amended, to regulate residence and the rights of non-members on lands reserved for the Sepent River Band of Ojibway.

PART A: Repeal of former residence By-law No.

1. Repeal. By-Law No. 201-1988-01, being a by-law to regulate residence and the rights of non-members on lands reserved for the Serpent River Band of Ojibway, enacted by the Chief and Council of the Serpent River Band on December 2, 1988, is hereby repealed, and the within by-law provisions are enacted in its place.

PART B: Residence on Serpent River Band Lands

2. Definitions. In this By-law,

- (a) "Band" means the Serpent River Band of Ojibway;
- (b) "dependent" means a person under the age of 18 years who has not withdrawn from, or a person older than 18 years of age unable by reason of illness or disability to withdraw from, the care and control of his or her parent or other person standing in loco parentis;
- (c) "dwelling" means a house, house trailer, mobile home, tent, camp or any other type of shelter, whether permanent or temporary, and whether fixed to the ground or otherwise;
- (d) "lands reserved for the Band" means all lands which are from time to time held in trust for the use and benefit of the Serpent River Band of Ojibway;
- (e) "member" means a person whose name is included in the Membership Register of the Serpent River Band of Ojibway;

- (f) "permit" means an instrument in writing issued pursuant to this by-law by the Chief and Council of the Serpent River Band of Ojibway;
- (g) "spouse" means either of a man or a woman who are married or who have lived together in a permanent conjugal relationship outside marriage for a period in excess of two years.

3. Indian Act definitions. Words or phrases used but not expressly defined in this by-law which are expressly defined in the Indian Act shall have the meaning ascribed to them in that Act.

4. Deemed residence on the reserve. For the purposes of this by-law and in the absence of evidence to the contrary, a person who uses a dwelling on lands reserved for the Serpent River Band of Ojibways for any residential purposes, continuously or otherwise, for a period in excess of 60 days shall be deemed to reside on lands reserved for the Band.

5. Prohibition of unauthorized residence. No person shall reside on lands reserved to the Serpent River Band of Ojibway except:

- (a) a person who is a member of the Serpent River Band of Ojibway,
- (b) a person to whom a residence permit has been issued pursuant to this by-law, or
- (c) a person who is a dependent of and who resides with a person mentioned in subsections (a) and (b) of this section.

6. Persons who may apply for a residence permit. No person may apply for a residence permit except a person who is:

- (a) a spouse of a member of the Serpent River Band of Ojibway,
- (b) a former spouse of a member of the Band who has lawfully resided on the reserve with that member.

7. Form and content of residence applications. An application for a residence permit shall

- (a) be in writing signed by the applicant and any member of the Band with whom the applicant proposes to reside;
- (b) include the name, sex, age, marital status, band membership and mailing address of the applicant;

- (c) shall state the applicant's spousal relationship or relationship by blood or marriage with any person with whom the applicant proposes to reside;
- (d) shall specify an existing or proposed dwelling which the applicant and those persons who will reside with the applicant propose to occupy, and
- (e) shall be submitted to the Chief and Council of the Serpent River Band of Ojibway.

8. Consideration by Chief and Council. Within sixty days of receipt of an application for a residence permit, the Chief and Council shall

- (a) determine whether the person who has submitted the application is eligible to apply for a permit pursuant to this by-law,
- (b) if the person who has submitted the application is eligible to apply, consider and decide the application,
- (c) if the application is approved, issue a residence permit in writing, and
- (d) provide notice of its determination or decision to the applicant to the address contained in the application by ordinary mail.

9. Criteria for approval of applications. In deciding an application for a residence permit, the Chief and Council shall take into account:

- (a) any applicable Act, by-law, or regulation prescribing housing standards or regulating the use of buildings or lands on the reserve;
- (b) the orderly settlement and development of reserve lands;
- (c) the availability of land, housing and ancillary services; and;
- (d) any other consideration that in the opinion of the Chief and Council is relevant to the health, safety, good order and advancement of the Band.

10. Revocation of permits. Where the circumstances upon which a permit was issued to a person have substantially changed or where a permit is found by the Chief and Council to have been issued on erroneous information, the permit may be revoked on notice to that person by resolution of the Chief and Council.

11. Permits not transferable. A permit issued under this by-law is personal to the individual and dwelling house named therein and shall not be transferable.

12. Other Acts. A permit issued under this by-law shall be subject to any other Act, by-law or regulation in respect of housing or the use of lands reserved to the Band.

13. Permits limited to privilege of residence. A permit issued pursuant to this by-law shall not confer on the holder any rights or privileges other than the privilege of residing in and crossing reserve lands to and from the dwelling specified therein.

14. Penalty. A person who resides on lands reserved for the Serpent River Band of Ojibway in violation of this by-law is guilty of an offence punishable on summary conviction and liable on conviction to a fine not exceeding ONE THOUSAND (\$1,000.00) DOLLARS or imprisonment for a term not exceeding thirty (30) days, or both fine and imprisonment.

ENACTED as a by-law of the Serpent River Band of Ojibway by Band Council Resolution No. 91-008 passed at Serpent River this 21 day of February, 1991.

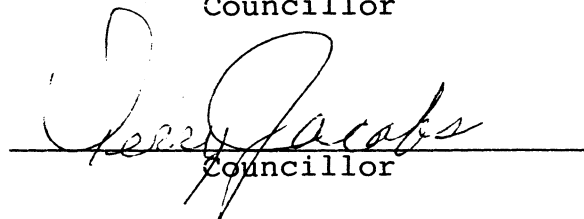


Chief

Councillor


Councillor

Councillor


Councillor
Councillor