

**KETTLE & STONY POINT FIRST NATION BY-LAW NO. 19-2
BEING A BY-LAW REGARDING THE RESIDENCE OF
BAND MEMBERS AND OTHER PERSONS RESIDING
ON THE KETTLE AND STONY POINT LANDS
TO REPEAL AND REPLACE BY-LAW NO. 19-1 ENACTED SEPTEMBER 17, 2001**

WHEREAS Sections 81(1)(c),(d),(n),(o),(p),(p.1),(q) and (r) of the Indian Act empowers the Kettle and Stony Point Council to pass by-laws to provide for the residence of band members and other persons on the Lands;

AND WHEREAS it is an inherent right of the people of the Kettle and Stony Point Band to determine who will have the right to reside on the Lands;

AND WHEREAS it is in our Interest that we exercise our right to maintain control over our Lands and Resources so we may provide for the protection of health and safety and to regulate good order amongst the people who reside on the Lands of the Chippewas of Kettle and Stony Point;

AND WHEREAS it is necessary for a by-law to be enacted to provide for the regulation of activities and conduct of the Non-Band Members who reside on the Kettle & Stony Point Lands;

NOW THEREFORE, the Council of the Chippewas of Kettle and Stony Point **HEREBY ENACTS A BY-LAW AS FOLLOWS:**

SHORT TITLE

1 This By-Law may be cited as the "Kettle and Stony Point Residence By-Law".

INTERPRETATION

In this By-Law:

- 2**
- (1)** "Council" means the duly elected Chief and Councillors for the Kettle and Stony Point First Nation.
 - (2)** "Child" means any person who is under the age of eighteen (18) years.
 - (3)** "Disorderly Conduct" means, but not limited to fighting, using abusive language, using offensive or indecent gestures or displays, being under the influence of alcohol or drugs, loitering, or interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, religious or ceremonial activities on the Lands, that disrupts the public or private order on the Lands, scandalizes the community, or causes public or private inconvenience, annoyance or alarm.

- (4) "Firearms" means airguns, any types of rifles or shotguns, air rifles, air pistols, spring guns, pellet guns, BB guns, hand guns or other similar kinds of devices such as crossbows.
- (5) "Lands" means the geographical area set aside for the use and benefit of the Chippewas of Kettle and Stony Point First Nation.
- (6) "Member" means a person who is registered as a status Indian or is entitled to be registered as a status Indian with the Chippewas of Kettle & Stony Point Band.
- (7) "Non Member" means a person who is not registered or not entitled to be registered as a status Indian with the Chippewas of Kettle & Stony Point Band.
- (8) "Residence" means a person's principal place of habitation or home, when away therefrom, he or she intends to return.
- (9) "Sponsor" means a 'member' that represents a 'non-member' in the community and will undertake the role as a sponsor to help guide the non-member to follow all provisions of Bylaw No. 19-2 and all other laws that govern the Kettle & Stony Point First Nation. A sponsor is at least 18 years of age who takes residence on the Lands.
- (10) "Temporary Residence" means residence for a period of not more than 11 (eleven) months.
- (11) "Temporary Residence Permit" means a permit issued by the Council for a Non-Member for residency purposes only.

RESIDENCE

- 3 (1) Any Member and their minor dependent child(ren) have the right to reside on the Lands.
- (2) Any Non-Member shall have the right to reside on the Lands by "Temporary Residence Permit" only, issued by the Council.

APPLICATION FOR PERMIT TO RESIDE

- 4 (1) Any non-member will be required:
 - (a) to obtain a "Temporary Residence Permit" from the Council before that Non-Member will be permitted to reside on the Lands;
 - (b) to renew their "Temporary Residence Permit" upon expiry of the same;
 - (c) to renew their "Temporary Residence Permit" if their place of residence on the Lands changes.
- (2) No "Temporary Residence Permit" will be issued for a period of longer than eleven (11) months at one time.

CRIMINAL RECORD

- 5 (1) Upon submitting a request for a "Temporary Residence Permit" to the Council a non-member must submit a "Criminal Record Search" and "Criminal Record" if the "Criminal Record Search" indicates such record.
- (2) The non-member will be required to submit Criminal Record Search and Criminal Record referred to in subsection (1) for every country he or she has resided in.
- (3) Any child will not be required to submit a "Criminal Record Search".

FEES/SPONSOR

- 6 (1) All non-member residents will be required to pay a temporary residence fee as determined by the Council from time to time.
- (2) Any child will be exempt from paying the temporary residence fee.
- 7 (1) All non-member residents will be required to have a sponsor for the entire length they reside on the Lands.
- (2) The sponsor will be responsible to pay any unpaid residence fees of the non-member.

NON-MEMBER RESIDENTS

- 8 (1) No non-member will:
- (a) carry, discharge or attempt to discharge any firearms, unless a licence to do so has been issued by the Council,
 - (b) hunt unless a licence to do so has been issued by the Council, or
 - (c) fish by angling, unless a permit to do so has been issued by the Council,
 - (d) fish by means of gillnetting whatsoever,
 - (e) remove or attempt to remove any natural resources such as but not limited to water, minerals, shale, stone, sand, gravel, clay or soil, hay, trees or saplings, shrubs, underbrush, timber, or cordwood,
 - (f) commit an act of disorderly conduct,
 - (g) remove, burn, deface, destroy or damage, mutilate, or in any manner whatsoever vandalize any public or private property on the Lands or attempt to vandalize such public or private property,
 - (h) cause any financial burden unto the Chippewas of Kettle & Stony Point Band or unto any member or other person thereof, or
 - (i) carry on a business or cause to carry on a business contrary to Section 81(n) of the Indian Act without the approval of the Council.
- (2) All non-members covered in this by-law will keep all private properties where they reside, in a neat, clean and tidy fashion.
- (3) All non-members will promptly follow, observe, perform, execute and comply will all Laws of the Province, Laws of Canada and Laws that govern the Chippewas of Kettle & Stony Point First Nation.

REVOCATION/ RESUSAL OF PERMIT

- 9**
- (1)** The Council has the right to revoke a non-member's "Temporary Residence Permit" if it has been shown that the non-member is not abiding by any of the provisions of this by-law and the non-member would have to vacate the Kettle and Stony Point Lands immediately.
 - (2)** The Council has the right to revoke a non-member's "Temporary Residence Permit" if it has been shown that the Non-Member has been convicted of an offence in the past 12 (twelve) months under the "Criminal Code" or the "Controlled Drug and Substances Act", for which a pardon has not been granted and the non-member would have to vacate the Kettle and Stony Point Lands immediately.
 - (3)** The Council has the right to refuse any person a Temporary Residence Permit.

APPEALS

- 10**
- (1)** The non-member may appeal the revocation or refusal by:
 - (a)** submitting a written appeal to the Council, and
 - (b)** attending the Council Meeting to discuss and submit any new facts or evidence.
 - (2)** The Council, after hearing the appeal, may meet in private to either:
 - (a)** uphold the revocation or refusal, or
 - (b)** render a new decision.
 - (3)** The decision of the Council will be final and binding.

PENALTY

- 11** Any person who violates any of the provisions of this by-law will be guilty of an offence and will be liable on Summary of Conviction to a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for a term not exceeding thirty (30) days, or to both.

REPEAL

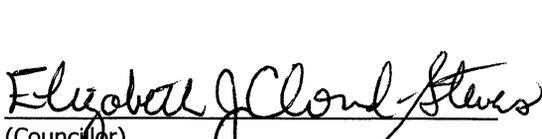
- 11** By-law Number 19-1, enacted on the 17th day of September, 2001, and being a By-law for the residence of persons residing on the Kettle and Stony Point Lands, be and the same is hereby repealed.

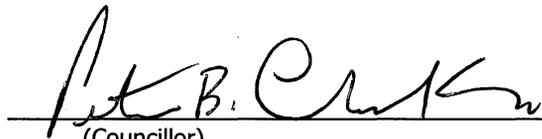
THIS BY-LAW IS HEREBY made at duly convened meeting of the Council of the Chippewas of Kettle and Stony Point dated on this 1st day of October, 2007.

THAT THIS Council do hereby approve By-Law No. 19-2 regarding the residence of persons on the Kettle & Stony Point Lands and do hereby repeal and replace By-Law No. 19-1 enacted on September 17, 2001.


(Chief)


(Councillor)


(Councillor)


(Councillor)


(Councillor)

(Councillor)


(Councillor)

(Councillor)


(Councillor)

(Councillor)

Quorum: Six (6)

I, Corninda Jackson, of the Kettle and Stony Point First Nation do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian & Northern Affairs Canada pursuant to subsection 82(1) of the Indian Act, this 2nd day of October, 2007.


(Signature)


(Witness)