

**CHIPPEWAS OF KETTLE & STONY POINT
BY-LAW NO. 19-1**

**BEING A BY-LAW REGARDING THE RESIDENCE OF BAND MEMBERS AND
OTHER PERSONS RESIDING ON THE KETTLE & STONY POINT LANDS
TO REPEAL AND REPLACE BY-LAW NO. 19 ENACTED SEPTEMBER 13, 1999**

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 shall 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) "Lands" means the geographical area set aside for the use and benefit of the Chippewas of Kettle and Stony Point First Nation.

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- (3) "Residence" means a person's principal place of habitation or home, when away therefrom, he or she intends to return.
 - (4) "Temporary Residence" means residence for a period of not more than 11 (eleven) months.
 - (5) "Temporary Residence Permit" means a permit issued by the Council for a Non-Member for residency purposes only.
 - (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) "Child" means any person who is under the age of eighteen (18) years.
 - (9) "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.
 - (10) "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.

RESIDENCE

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- (1) Any Member has 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 shall be required:
- (a) to obtain a "Temporary Residence Permit" from the Council before that Non-Member will be permitted to reside on the Lands (See Appendix I attached for Temporary Residence Permit Application);
 - (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" shall 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 all applicants must submit a "Criminal Record Search" and "Criminal Record" if the "Criminal Record Search" indicates such record.
- (2) Any child will not be required to submit a "Criminal Record Search".

FEEES

- 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.
- (3) The owner of the household where the non-member will be residing will be responsible for any unpaid fees.

NON-MEMBER RESIDENTS

- 7 (1) No non-member shall:
- (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.

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- 7 (2) No no-member shall:
- (a) fish by means of gillnetting whatsoever, or
 - (b) 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.
- (3) No non-member shall commit an act of disorderly conduct.
- (4) No non-member shall 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.
- (5) No non-member shall cause any financial burden unto the Chippewas of Kettle & Stony Point Band or unto any member or other person thereof.
- (6) No non-member shall 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.
- (7) All non-members covered in this by-law shall keep all private properties where they reside, in a neat, clean and tidy fashion.
- (8) All non-members shall promptly follow, observe, perform, execute and comply with all Laws of the Province, Laws of Canada and Laws that govern the Chippewas of Kettle & Stony Point First Nation.

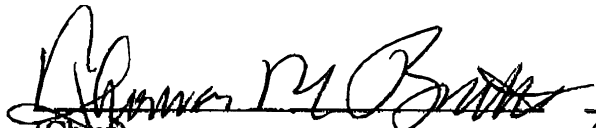
REVOCATION OF PERMIT

- 8 (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) 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.

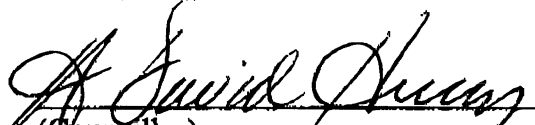
Residence By-Law

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Chippewas of Kettle & Stony Point dated on this _____ day of _____, 2001.


THAT THIS Council do hereby approve By-law No. 19-1, respecting the residence of persons on the Kettle & Stony Point Lands and to repeal and replace By-law Number 19, enacted on September 13, 1999.


(Chief)

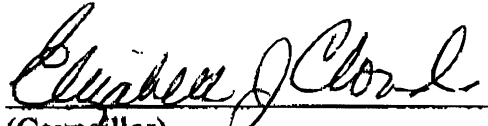
(Councillor)

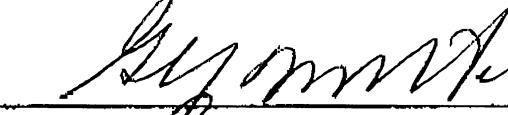

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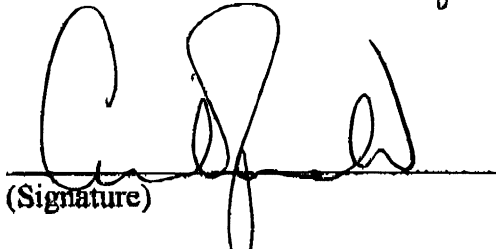

(Councillor)


(Councillor)


(Councillor)

Quorum: Six (6)

I, Corrinda A. Jackson (Membership/Estates/Governance) for the Kettle & Stony Point Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian and Northern Affairs Canada at the District Office pursuant to subsection 82(1) of the Indian Act, this 17 day of September, 2001.


(Signature)


(Witness)