

26 SEPT 73

By-law of the Council of Caughnawaga Indian Band respecting the regulation of the use of the buildings on the Reserve, the removal and punishment of persons trespassing upon the Reserve or frequenting the Reserve for prescribed purposes and the prevention of disorderly conduct and nuisances on the Reserve under Section 81 (d) (h) (p) (q) and (r) of the Indian Act.

Adopted by the Council of the Caughnawaga Indian Band on September 11, 1973 at a meeting of the Council duly convened and held in Caughnawaga.

DEFINITIONS

1. a) In this By-law, building includes any structure used for shelter or accomodation of persons and without restricting the generality of the foregoing, includes houses, trailers, mobile homes, sheds, shacks, tents and boats;

b) Member of the family means the husband or wife of an individual member of the Caughnawaga Band or one entitled to be a member thereof and his or her children and grand-children and his or her parents and grand-parents provided that such member of the family is himself or herself a registered member of the Caughnawaga Indian Band or is entitled to be registered as a member of the Caughnawaga Indian Band.

c) Peace officer includes any member of the Caughnawaga police force, any special constable appointed under the Police Act of the Province of Quebec having jurisdiction on the Caughnawaga Indian Reserve and any special supernumerary constable appointed under the Royal Canadian Mounted Police Act and having jurisdiction on the Caughnawaga Indian Reserve.

d) Reserve means the Caughnawaga Indian Reserve.

e) Band means the Caughnawaga Indian Band.

f) Council or band Council means the Council of the Caughnawaga Indian Band.

APPLICATION

2. This By-law shall apply to all buildings situated on the Caughnawaga Indian Reserve and to all persons living or residing on the said Reserve.

PERMISSIBLE OCCUPATION OF BUILDINGS

3. Subject to Article 4 hereof, no building and no part of the Caughnawaga Reserve used or set aside to be used for residential purposes shall be occupied, resided in or used by any person who is not or is not entitled to be a member of the Caughnawaga Band.

NECESSITY OF PERMIT

4. Notwithstanding Article 3 hereof, a person may, if he possesses a permit for such purpose, allow any building owned by him or in which he has an interest or any part of the Reserve in which he has an interest to be occupied, resided in or used by a person other than a Caughnawaga Band member or a person entitled to be registered as a Caughnawaga Band member. Such permit shall be known as an "occupation permit".

PROCEDURE FOR PERMIT

5. Any person wishing to obtain the permit contemplated by Article 4 shall apply for such permit to the Council of the Band or to a person designated by the Council for such permit on a form which shall be supplied for such purpose. The Council or its designate may grant or refuse such permit.

DURATION OF PERMIT

6. Permits shall be issued to the owner of the building or to the possessor of land in the reserve or to a person having an interest in such building or land and, subject to earlier termination as hereinafter mentioned, shall be for a period of one year and shall be issued for a named occupant only; the permit year shall begin on the 1st day of January of each year and end on the earlier of the date the named occupant or his family ceases to use the building or the 31st day of December of the same calendar year; any permits issued after January 1st of a calendar year shall be valid only to the end of the calendar year in which the permit is issued.

CONDITIONS OF PERMIT

7. Every permit issued under this By-law shall be valid only for:

- a) the person in whose name it was issued;
- b) for the occupation of the building and/or a part of the Caughnawaga Indian Reserve by the named occupant and his family exclusively;
- c) for the place indicated on the permit; and
- d) shall be for the period of time mentioned therein.

REFUSAL OF PERMIT

8. The Council or the person designated by the Council for the issuance of the permit may refuse a permit if the proposed occupation will or might be prejudicial to the Band and may refuse a permit to any person who has at any time in the year immediately preceding his application for a permit allowed a person other than a member of the Band

to occupy, use or reside in any building in which he has an interest or in any part of the Reserve without the permit of the Minister of Indian Affairs and Northern Development mentioned in Section 28 of the Indian Act or a lease contemplated by Section 58(3) of the Indian Act.

USE OF PREMISES WITHOUT PERMIT

9. Any person who allows any building or any part of the Reserve in which he has any interest whatever to be occupied, resided in or used by any person other than members of the Caughnawaga Band or those entitled to be registered as members of the said Band without the permit mentioned in Article 4 hereof shall be guilty of a contravention of this By-law.

VACATION OF BUILDINGS

10. In the event of a contravention of any provision of the present By-law, the Council of the Band or the person designated by the Council for the issue of permits may cause any building or any part of the Caughnawaga Reserve in respect of which the contravention has occurred to be vacated immediately by the persons then residing in, occupying or using such building.

TRESPASSERS

11. Any person who is trespassing or who has trespassed upon the Reserve or is frequenting or has frequented the Reserve for prescribed purposes shall be subject to immediate expulsion from the Reserve by order of the Band Council expressed in a resolution adopted by a majority of the members of the Band Council present at a meeting of the Band Council duly convoked and at which a quorum was present.

EXPULSION OF TRESPASSERS

12. Such a resolution shall name the person or persons to be expelled, and upon receipt of a notice of expulsion, such persons and/or their family shall immediately leave the Reserve with their personal property and remain off the Reserve.

NUISANCE

13. Any person who causes a nuisance on the Reserve or whose conduct is disorderly is guilty of a contravention of the present By-law.

PENALTIES FOR CONTRAVENTION

14. Any person who contravenes any provision of this By-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 30 days or to both such fine and imprisonment.

ENFORCEMENT

15. Any peace officer is hereby empowered to enforce and give effect to all provisions of the present By-law and may cause any building in respect to which a violation of the present By-law is committed to be vacated and may effect the expulsion from the Reserve of persons committing trespass on the Reserve and use such force as may be necessary in the circumstances to cause such expulsion to be effected.

Proposed by: Richard White

Seconded by: Michael Skye

Unanimously approved.

Chief Arnold Fitch
Chief

Richard White
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Mitchell Fitch
Councillor

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