

SAMPLE AMENDING BY-LAW

The Millbrook Band

BY-LAW 1992. 2

**A BY-LAW TO AMEND BY-LAW 1991.4
DIVIDING THE RESERVE INTO ZONES
AND REGULATING THE USE OF THE LAND**

WHEREAS paragraphs 81(1)(g), (q) and (r) of the Indian Act empower the council of an Indian Band to make by-laws respecting the dividing of the reserve into zones and regulating the use of the land and the imposition of a fine for violation of any by-laws made under that section;

AND WHEREAS the council of the Millbrook Band did enact by-law number 1991.4 respecting the dividing of the reserve into zones and regulating the use of the land on the reserve;

AND WHEREAS the said council deems it to be expedient and in the best interest of the residents of the Millbrook Reserve to amend the said by-law;

NOW THEREFORE the council of the Millbrook Band enacts as a by-law thereof as follows:

1. Section 2 of by-law 1991.4 and the same is hereby amended by the insertion of the definition of a "group home" and "place of entertainment", so that the said section shall read:

2. "Group home" means a single housekeeping unit in a residential dwelling in which three to ten residents live as a family under responsible supervision and shall be licensed under Provincial or Federal Statute, and may also include a non-residential special needs group facility such as a group school;

"Place of entertainment" means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall, music hall, bingo hall, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein;

2. Section 9 (a) of by-law 1991.4 and the same is hereby amended by deleting the word "development" in the first line thereof and inserting in lieu thereof the word "building", so that the said section shall read:

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9. (1)(a) No building permit shall be issued for any new structure unless the lot or parcel of land upon which the structure is to be erected abuts and fronts upon a public street. This provision shall not apply to a permit being issued when an existing structure is to be renovated, rebuilt, or moved to another location on its original lot.

 3. Subsections 23 (a) (b) and (g) of by-law 1991.4 and the same are hereby amended by the insertion in each line respectively there of the words "other than a mobile home", so that the said sections shall read:
 - 23.(a) A single family dwelling, other than a mobile home;
 - (b) A two family dwelling, other than a mobile home;
 - (g) A group home, other than a mobile home;

 4. Subsection 15 (f) of by-law 1991.4 and the same is hereby amended by deleting the number "1990.2" in the second line thereof and inserting in lieu thereof the number "1991.2", so that the said section shall read:
 15. (f) The home occupation does not create or become a nuisance, as defined in By-law No. 1991.2, in particular, in regard to noise, traffic, or parking;

 5. Subsection 27(a) of by-law 1991.4 and the same is hereby amended by deleting the number "1990.2" in the fourth line thereof and inserting in lieu thereof the number "1991.2", so that the said section shall read:
 27. (a) An industry or manufacturing establishment, except one involving the danger of fire or explosion or likely to create a nuisance, as defined in By-law 1991.2, by reason of fumes, dust, odour, or excessive noise;

 6. Section 36 of by-law 1991.4 and the same is thereby amended by deleting the words "section 34, 35 or 36" and inserting in lieu thereof the words "section 33, 34 or 35", so that the said section shall read:
 36. Within ninety days of the filing of a properly completed application under section 33, 34 or 35, the council shall hold a hearing with respect to the application.

7. Subsection 47 (3) of by-law 1991.4 and the same is hereby amended by deleting the word "on" in the fifth line thereof and inserting in lieu thereof the word "one", so that the said section shall read:

47. (3) Where an act or omission in contravention of this by-law continues for more than one day, such an act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

Approved and passed at a duly convened meeting of the council, this _____ day of _____, 19____.

Barry Wood
Councillor

Stephen Marshall
Councillor

Keith R. Jones
Councillor

Ray Johnson
Councillor

Alexander Boyd

Barry Wood

The quorum is set at 5.

I, Lawrence Paul, Chief of the Band of Indians do hereby certify that a true and exact copy of the foregoing By-law 1992. and was mailed to the Minister of Indian Affairs pursuant to section 82, ss(i) of the Indian Act, this 12th day of August, 1992.

Barry Wood
Witness

Chief Lawrence Paul
Chief

The quorum is set at _____.

I, _____, chief of the Millbrook Band of Indians, do hereby certify that a true and exact copy of the foregoing by-law _____ was mailed to the Minister of Indian Affairs pursuant to section 82(1) of the Indian Act, this _____ day of _____, 19__.

Witness

Chief