

BY-LAW #1
WHITEFISH LAKE INDIAN BAND #459 BY-LAW

WHEREAS the Whitefish Lake Indian Band #459 (hereinafter referred to as "the Band") desires to establish laws governing residency on the Reserves of the Whitefish Lake Indian Band #459;

AND WHEREAS the Council of the Band, as the Indian Government of the Band, desires to assert its inherent and traditional authority in ways and means that reflect the traditions and customs of the Band in order to preserve law, order and community harmony and protect the property and members of the Band;

AND WHEREAS pursuant to Section 81(d) & (p), the Council of the Band is empowered to make By-laws to preserve the law and order on the Reserves and to enact laws governing residency on the Reserves;

BE IT RESOLVED THAT:

1. **CITATION**

This By-law may be cited as the Whitefish Lake Indian Reserve Residency By-law.

2. **DEFINITIONS**

- (a) The definitions of terms used in this By-law shall be the same definitions as contained in the Indian Act.
- (b) "Residence" means any dwelling on the Reserves of the Band.
- (c) "Resident" means any person using or occupying a residence, whether temporarily or permanently, on the Reserves of the Band.
- (d) "Council" means Chief and Council of the Whitefish Lake Indian Band #459.

3. **RESERVE RESIDENCY LIST**

- (a) The Council shall keep a Reserve Residency List which shall contain the names of all persons eligible to reside on the Reserves of the Band.
- (b) Persons whose names do not appear on the Reserve Residency List are forbidden to reside either temporarily or permanently on the Reserves of the Band.

- (c) Any person whose name does not appear on the Reserve Residency List and is found in use or occupation either temporarily or permanently of a residence on the Reserves of the Band shall be subject to the penalties described herein. This section does not apply to persons visiting Band members resident on the Reserves.
- (d) The Reserve Residency List shall be posted on the Reserves.

4. PERSONS ELIGIBLE TO HAVE THEIR NAMES PLACE ON THE RESERVE RESIDENCY LIST

4.1 The following persons are eligible to automatically have their names entered on the Reserve Residency List and need not make application pursuant to Section 5.

- (a) All members of the Band, their spouses and their minor children.
- (b) Subject to any terms and conditions of residency as may be determined by the Council, all non-Band members who are residing on the Reserves at the effective date of this By-law.
- (c) Persons in receipt of a Permit of Residency granted by the Minister of Indian & Northern Affairs pursuant to S.28(2) of the Indian Act.

4.2 Any other persons can apply pursuant to the procedures established in Section 5. herein to have their names placed on the Reserve Residency List.

5. APPLICATION PROCEDURES

- (a) Persons may submit a written application to the Council on a form approved by the Council.
- (b) Within forty-five (45) days of receipt of the application the Council shall review the application and upon being satisfied:
 - i) that the applicant intends to reside on the Reserves; and
 - ii) that the applicant is of good character and will maintain peace and order on the Reserves; and
 - iii) that granting of residency to the applicant is in the best interests of the Band; and

iv) that the Band has sufficient land, housing and other resources to accommodate the applicant;

then the Council may place that person's name on the Reserve Residency List and may state any terms and conditions of the residency.

6. APPEAL OF THE DECISION OF THE COUNCIL TO THE PANEL OF ELDERS

- (a) The decision of the Council may be appealed by the applicant or another interested party within thirty (30) days of the decision of the Council, to a Panel of Elders of the Reserve.
- (b) The Panel of Elders shall consist of seven (7) elders resident on the Reserve over the age of fifty years, all of whom shall be appointed by the Council of the Band for a period of five (5) years. The quorum shall be four (4) elders.
- (c) The Panel of Elders shall meet within thirty (30) days of the receipt by the Council of the protest. The applicant, Band Council and other interested parties shall be given ten (10) days written notice of the time place, and date of the appeal hearing.
- (d) The applicant and any other interested parties may make oral or written submissions in person or through legal counsel to the hearing appeal.
- (e) Within ten (10) days of the hearing the Panel shall render a decision in writing to the applicant and other interveners.
- (f) The decision of the panel is final and binding and not subject to appeal to any Court or other body.

7. REMOVAL OF PERSONS FROM THE RESERVE

- (a) In the event that a person who resides on the Reserve or whose name appears on the Reserve Residency List is found guilty in a Court of Law of the following offenses:
 - 1. Assault against a member of the Band or person residing on the Reserves.
 - 2. Theft of or damage to property of the Band or a person residing on the Reserves.
 - 3. Creating mischief on the Reserves.

4. Any other offence against persons or property of the persons on the Reserves.
5. Violation of Band By-laws.
6. Trafficking in narcotics on the Reserves.

the Council may request an Order of the Court that the person be barred from the Reserve for a period of time to be determined by the Court.

8. PENALTIES

Any person residing on the Reserves without having his name on the Reserve Residency List shall be in violation of the By-law and, upon summary conviction, be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding thirty (30) days or both.

THIS BY-LAW IS PASSED THIS 23 DAY OF October,
A.D. 1986.

Pat Jellon
CHIEF

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