

BY-LAW NO. 6

OCCUPANCY AND MAINTENANCE BY-LAW

Pursuant to Section 81(1) (a), (h), (q) and (r) of the Indian Act, R.S.C. 1985 C-15 as amended, and pursuant to the provisions of Treaty Number 6 and the Traditional Law of the Samson Cree Nation, and pursuant to Sections 25 and 35 of the Constitution Act 1982, the Council of the Samson Cree Nation, duly assembled, hereby enacts as follows:

PART ONE - OPERATIVE AND INTERPRETIVE

1. Title

This By-law may be cited as "The Occupancy and Maintenance By-law of the Samson Cree Nation".

2. Purpose

The purpose of this By-law is to provide standards and regulations for the maintenance, physical condition, and occupancy of dwellings located on the Samson Indian Reserve.

3. Definitions

In this By-law:

- (1) "Building" includes any thing constructed or placed on, in, over or under land, but does not include a highway, roadway, street, or a bridge forming part of a highway, roadway, or street;
- (2) "Council" means the Council of the Samson Cree Nation;
- (3) "Dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level;
- (4) "Housing Department" means the Housing Department of the Samson Cree Nation as designated by the Council;
- (5) "Lot" means a parcel of land, which fronts or abuts on a public street within the townsite;
- (6) "New Dwelling" means a dwelling that is not under construction until after the effective date of this By-Law;
- (7) "Occupant" means any person in possession of a dwelling;

- (8) "Parcel" means those areas of land within the townsite allocated by or managed by the Council, and the boundaries of which are or have been determined by the Council;
- (9) "Townsite" means the townsite on the Samson Indian Reserve #137, which townsite is shown on Schedule "A" hereto;
- (10) "Yard" means a part of a lot upon or over which no building is erected.

PART TWO - UTILITY CONNECTIONS FOR NEW DWELLINGS

4. Water

Where a pipe supplying water abuts a lot, the person or persons constructing any new dwelling on the lot shall ensure that proper water connections are made connecting the new dwelling to the water supply pipe.

5. Sanitary Systems

The person or persons constructing any new dwelling on a lot shall ensure that the new dwelling is provided with sanitary facilities, including a sanitary drainage system, which shall be connected to a municipal sewage disposal system, a sewage disposal system under the control and management of the Council, or a private sewage disposal system.

6. Standards and Maintenance

- (1) The person or persons constructing a new dwelling shall ensure that all water, plumbing, and sewer and drainage disposal systems and equipment in or for the new dwelling comply with the same standards for construction, installation, and servicing of such systems and equipment as are set out in the regulations pursuant to the Plumbing and Drainage Act, R.S.A. 1980, Chapter P-10, as amended from time to time.
- (2) All water, plumbing, and sewer and drainage disposal systems and equipment shall be maintained by the occupants of every dwelling in good working order, free from leaks and defects.

PART THREE - MAINTENANCE OF DWELLINGS AND YARDS

7. Maintenance Standards

- (1) Occupants shall, at their expense, maintain their yards and buildings in a state of good repair and in a clean, orderly and sanitary condition, free from all health, fire or accident hazards.
- (2) Occupants shall not permit accumulations of garbage or other refuse and shall, at their expense, keep garbage and other refuse in proper garbage containers, to be placed in those areas designated by the Council for garbage collection.
- (3) Occupants shall keep their yards and buildings free of insects, rodents, vermin or other pests, and in doing so, the occupants shall use, at their expense, such pest control services and at such reasonable intervals as may be necessary.

PART FOUR - LEASE OF DWELLINGS

8. Lease or Licensing of Dwellings

- (1) No person, other than a person granted possession under a Certificate of Possession, shall have the right to occupy or take possession of any dwelling until such time as that person, (or in the case of a minor, some person on his behalf) has entered into a lease or licensing agreement with the Samson Cree Nation, as represented by the Council or the Housing Department, as the Owner of the dwelling.
- (2) Occupants shall occupy a dwelling on such terms and by paying such rent as may be set out in the lease or licensing agreement.

9. Vacant Dwellings

- (1) Occupants of a dwelling shall notify the Housing Department in writing, in advance, in the event that the occupants will be vacating the property for any period longer than thirty (30) days, and such notice shall state whether the occupants intend to occupy the dwelling on a future date, and if so, the date thereof. Upon receipt of such notice, the Housing Department may take such steps to secure the dwelling as the Housing Department, in its sole discretion, deems advisable.

- (2) In the event that the occupants of a dwelling fail to notify the Housing Department as required by Subsection (1), or in the event that the occupants notify the Housing Department that they will not be occupying the dwelling again, the occupants will be deemed to have vacated the dwelling permanently and their lease or licensing agreement shall be deemed to be null and void, in which event, the occupants shall have no right to return of any monies paid by them to the Council or the Housing Department pursuant to the lease or licensing agreement.

10. Abandoned Goods

- (1) In this Section, "abandoned goods" means goods left in a dwelling or on a lot by an occupant who has abandoned the dwelling or vacated the dwelling on the termination or expiration of the lease or licensing agreement with the Samson Cree Nation or who has vacated the dwelling in accordance with a notice given pursuant to Section 10(1).
- (2) If the Chairman of the Housing Department believes on reasonable grounds that the abandoned goods have a total market value of less than Three Hundred (\$300.00) Dollars, the Housing Department may dispose of the goods.
- (3) Notwithstanding that abandoned goods may have a value of Three Hundred (\$300.00) Dollars or more, if the Chairman of the Housing Department believes on reasonable grounds that:
 - (a) the storage of the goods would be unsanitary or unsafe or would rapidly result in total or substantial depreciation in their market value, or
 - (b) the cost of removing, storing and selling the goods would exceed the proceeds of their sale,the Housing Department shall sell the goods by a means and for a price that the Chairman of the Housing Department believes is reasonable.
- (4) If Subsections (2) and (3) do not apply, the Chairman of the Housing Department:
 - (a) shall arrange for storage of the goods on behalf of the occupant until after the expiration of sixty (60) days after the date of their abandonment, and

- (b) shall post a notice on the dwelling and in the Samson Cree Nation office stating that the goods are in storage and advising the occupants as to how they may obtain the goods, and
 - (c) thereafter, may dispose of the goods by a means and for a price that the Chairman of the Housing Department believes is reasonable.
- (5) If, prior to the disposal of the abandoned goods by the Housing Department, the occupants pay to the Housing Department the proper costs of removing and storing the goods, the Housing Department shall return the goods to the occupants.
- (6) The Housing Department may apply the proceeds of any sale of the abandoned goods to its proper costs of removing, storing and selling the goods, and shall pay the surplus, if any, to the Samson Cree Nation general revenue account.

PART FIVE - ENFORCEMENT

11. Examination of By-law

A true copy of this By-law, including all amendments, shall be maintained by the Chairman of the Housing Department and shall be available for examination by any interested persons in the Housing Department's offices during regular hours of business.

12. Enforcement Officer

The office of Enforcement Officer is hereby established and such office shall be filled by the Chairman of the Housing Department of the Council, or such other person or persons as may be appointed by Council pursuant to a Council Resolution.

13. Contravention

- (1) Where the Enforcement Officer finds that a building or a yard is not, in the sole opinion of the Enforcement Officer, being constructed or maintained in accordance with this By-law or any amendment thereto, the Enforcement Officer may, by notice in writing, order the occupants or the person responsible for the contravention, or any or all of them, to:

- (a) stop the construction of the new dwelling; or
- (b) take such measures as are specified in the notice so that the construction of the new dwelling or the maintenance of the building or yard is in accordance with this By-law,

within such time as is specified in the notice.

- (2) Where a person fails or refuses to comply with an order directed to him under Subsection (1), the Council or person appointed by it may enter upon the land or building and take such action as is necessary to carry out the order, and the costs and expenses incurred in carrying out the order shall be immediately due and payable to the Samson Cree Nation by the person failing or refusing to comply with the order.
- (3) A person who fails or refuses to comply with an order directed to him under Subsection (1), or who otherwise contravenes the provisions of this By-law, is guilty of an offence and liable on summary conviction to a fine not exceeding One Thousand (\$1,000.00) Dollars or imprisonment for a term not exceeding thirty (30) days, or both.


APPROVED AND PASSED at a duly convened meeting of the Council of the Samson Cree Nation, duly elected, this 5th day of March, 1991.



Chief



Councillor



Councillor



Councillor



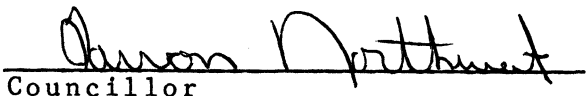
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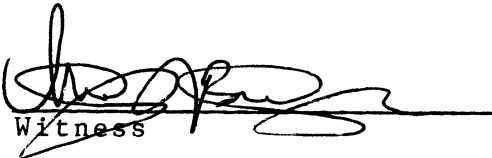

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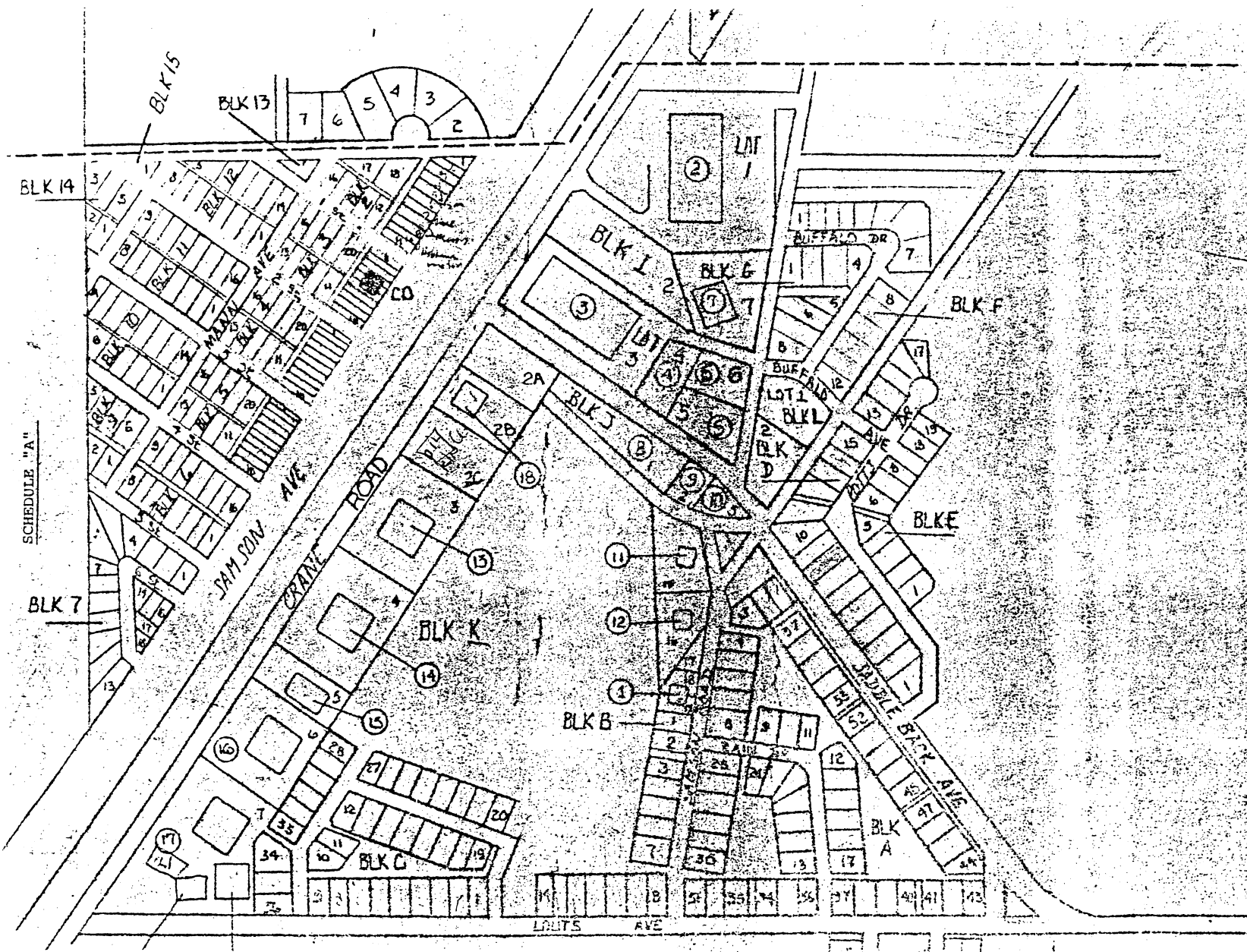
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Councillor

I, **VICTOR BUFFALO**, Chief/Councillor of the Samson Cree Nation, do hereby certify that a true copy of the foregoing By-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 82 (1) of the Indian Act, this 5th day of March, 1991.


Witness


Chief/Councillor



PLAN B

- 1 MASHWACHEES CHU
- 2 FOUR BAND RECREA
- 3 SAMSOJ BAND
- 4 SAMSON BAND
- 5 PUMP HOUSE
- 6 APPL AND LIGHT
- 7 DAY CARE
- 8 H BUFFALO MEM
- 9 CAFE
- 10 LAUNDRY MAT
- 11 HOBBERMA AUTO
- 12 CHURCH.
- 13 MAINTENANCE
- 14 SAMSON BAND
- 15 TANNERY
- 16 SAMSON MAN
- 17 FIRE HALL
- 18 CONDO WARI
- 19 WATER TREA
- 20 FUNERAL
- 21 SAMSON