

**LOUIS BULL TRIBE NO. 439
RESIDENCY BY-LAW**

BY-LAW NO. 1998-07
of the LOUIS BULL INDIAN TRIBE

RESIDENCY BY-LAW

WHEREAS the Louis Bull Tribal Government has the authority to govern itself in all respects including matters relating to residency on the Reserve;

AND WHEREAS the Chief and Council of the Louis Bull Tribe derive their authority on matters of residency from the above and pursuant to provisions of the *Indian Act*, as amended from time to time;

NOW, THEREFORE, THE COUNCIL OF THE LOUIS BULL TRIBE HEREBY MAKES THE FOLLOWING BY-LAW:

1. **CITATION**

This by-law may be cited as the Louis Bull Tribe Residency By-Law.

2. **DEFINITIONS**

For the purposes of this by-law:

- a). **APPLICANT:** means a person who has submitted an application to reside on the Louis Bull Reserve.
- b). **BAND:** means the Louis Bull Band No. 439, the Louis Bull Tribe or the Louis Bull First Nation.
- c). **CHILD or ADOPTED CHILD:** means a person as defined in the Louis Bull Membership Code.
- d). **COUNCIL:** means the Chief and Council of the Louis Bull Tribe.
- e). **DWELLING:** means any house, apartment, mobile home or a room located therein, or any similar lodging suitable for habitation.
- f). **MEMBER:** means a person whose name appears on the General List of the Louis Bull Membership Register.
- g). **NON-BAND MEMBER:** means any person who is not registered and who is not entitled to be registered pursuant to the Membership Code of the Band.

- h) **OFFICER:** means a member of the Louis Bull Police Service.
- i) **PRINCIPAL RESIDENCE:** means the place at which a person ordinarily resides.
- j) **REGISTRAR OF RESIDENTS:** shall be the membership clerk as defined in this Code.
- k) **RESERVE:** means the Louis Bull Reserve No. 138B and Pigeon Lake Reserve No. 138 A.
- l) **RESIDE:** means to live in a dwelling on the Reserve.
- m) **SPOUSE:** means a person who is married to, or who co-habits in a relationship of some permanence and commitment, akin to a conjugal relationship, with a Member of the Louis Bull Tribe.
- n) **VISIT:** means the period of time spent on the Reserve by a Non-Band Member for purposes of meeting a Member.

3. **ENTITLEMENT TO RESIDE ON RESERVE**

- a) A person is entitled to reside on the Reserve if that person:
 - i) is a Member;
 - ii) has his principal residence on the Reserve at the time this by-law comes into force and only until he ceases to have a principal residence on the Reserve;
 - iii) has the permission to reside on the Reserve pursuant to the provisions of this By-Law; and

PROVIDED THAT THE RIGHT OF A PERSON TO RESIDE HAS NOT BEEN REVOKED AS PROVIDED FOR HEREIN.

- b) A non-member Spouse or non-member dependent child of a person who is entitled to reside on the Reserve pursuant to the provisions of subsection (a) above, who actually resides with the said Resident is entitled to reside on the Reserve until such time as the non-member Spouse or non-member dependent child ceases to reside on the Reserve.
- c) A person's right to reside on the Reserve:

- i) does not include the right to be provided with a dwelling;
 - ii) does not create the right to start a business on the reserve nor the right to own shares of a business on the reserve;
 - iii) does not create or grant an interest in land.
- d) The Entitlement granted pursuant to the provisions of this by-law is restricted solely to the entitlement of residency on the Reserve.

4. **VISITORS**

Members may have persons on the Reserve for a visit for a period of up to one (1) month. After one (1) month, persons are assumed to be residing and must obtain a permit to reside.

5. **REGISTRAR OF RESIDENTS**

- a) The Membership Clerk of the Louis Bull Tribe shall be the Registrar of Residents and shall implement and administer the within By-Law including the processing of applications made under this By-law and to maintain all records associated therewith and conduct all the necessary searches and obtain all relevant information.
- b) The Registrar of Residents shall maintain a Residents' List, which shall record:
 - i) the name of each Resident and their membership status;
 - ii) an indication as to whether each Resident is a Resident for an indefinite or defined period;
 - iii) the length of any defined period of residence; and,
 - iv) the location of each Resident's dwelling.

6. **MEMBERSHIP COMMITTEE**

The Membership Committee shall make recommendations to the Council whether a permit to reside shall be issued to the Applicant.

7. **APPLICATION TO BE A RESIDENT**

- a) Any person may apply to the Council for permission to be a Resident of the Reserve or to extend any defined period for which permission was previously granted to the person by the Council to be a Resident of the Reserve.
- b) The application shall be filed with the Registrar of Residents and shall include:
 - i) the Applicant's reasons for applying to be a Resident;
 - ii) if the Applicant proposes to reside on the Reserve for a limited time, the approximate duration of the proposed residence;
 - iii) the location at which the Applicant proposes to reside;
 - iv) the name of the Applicant's spouse, if any;
 - v) the names of the Applicant's dependent children, if any; and,
 - vi) any additional information the Applicant wishes to provide relating to the considerations listed in subsection 9(b).
- c) The Council may impose a fee by motion of Council for permits to reside.

8. **HEARING**

- a) Within sixty (60) days after the filing of the properly completed application, the Council shall hold a hearing with respect to the application.
- b) At least fourteen (14) days prior to the hearing, the Registrar of Residents shall:
 - i) give written notice to the Applicant of the date, time and place of the hearing and inform the Applicant that he has a right to appear at the hearing and be heard in support of the application; and,
 - ii) post in a conspicuous place in the Band office a copy of the notice.
- c) At the hearing, the Council shall:
 - i) provide the Applicant with an opportunity to present evidence and to make oral and written submissions, or both, in support of the application; and,

- ii) provide any Member present at the hearing with an opportunity to be heard.
- d) The Council may make rules of procedure governing the hearing of applications and shall keep records of its proceedings.

9. **DECISION**

- a) After it has heard all of the evidence and submissions, the Council shall, within fourteen (14) days, meet to consider the application.
- b) In determining whether an application for permission to be a Resident of the Reserve should be granted, the Council shall take into consideration each of the following:
 - i) whether the Applicant has arranged for a place to reside on the Reserve;
 - ii) whether the Applicant's residing on the Reserve would be compatible with the culture, society and community of the Tribe and welfare of the Members residing on the Reserve;
 - iii) the character of the Applicant; and,
 - iv) the person's willingness to obey the laws, rules and regulations of the Tribe.
- c) The Council shall consider:
 - i) granting the Applicant permission to be a Resident of the Reserve for an indefinite period until such time the Applicant ceases to reside on the Reserve;
 - ii) granting the Applicant permission to be a Resident of the Reserve for a defined period;
 - iii) extending any defined period for which permission was previously granted to the person by the Council to be a Resident of the Reserve; or,
 - iv) refusing the application;

and shall give written notice of its decision to the Applicant, incorporating reasons in support of its decision.
- d) Within five (5) days after the decision of Council, the Registrar of Residents shall post a notice of its decision in the Band office.

10. **ENFORCEMENT**

- a) The Chief and Council may order any person who is residing on the Reserve, and who is not a Resident, to cease to reside on the Reserve.
- b) Any person who fails or refuses to comply with an order made under subsection (a), **COMMITTS AN OFFENCE** as defined herein.

11. **REVOCAION OF ENTITLEMENT TO RESIDE**

- a) The entitlement of a person to reside on the Reserve may be revoked by the Members by way of a referendum.
- b) The calling of a referendum and the procedures associated therewith shall be as determined by the Council.
- c) Notwithstanding 10(b) above, the residence of a person on the Reserve can only be revoked by a majority vote of at least fifty-one (51%) percent of the members eligible to vote on the referendum.
- d) Persons, whose right to reside on the reserve is to be considered on a referendum, shall have the right to make oral or written submissions to the members at a meeting of the members to be called no less than ten (10) days prior to the holding of the referendum.
- e) There shall be no appeal from a decision of the members on a referendum.

12. **OFFENCES AND PENALTIES**

Any person who contravenes any of the provisions of this by-law commits an offence and is liable on summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars, or to imprisonment for a term not exceeding thirty (30) days, or make restitution, or perform community service.

13. **MISCELLANEOUS**

13.1 **Orders and Regulations**

The Council may, as determined by it in its sole discretion, pass rules and regulations relating to all aspects of the Residency By-law as contained herein.

13.2 Amendment

The Residency By-law may be amended by the majority vote of at least seventy-five (75%) percent of the eligible electors present at a duly constituted meeting called for that purpose, of which one month's written notice is given.

13.3 Validity

In the event that any provision or provisions contained herein shall be deemed to be unenforceable or void in law, then this code shall be read and construed as if it did not contain such particular provision or provisions and the remainder of this Code shall not be affected thereby.

13.4 Number and Gender

Unless the context otherwise requires, words importing the singular include the plural and vice versa, and words importing gender include all genders.

13.5 Enactment

This Residency By-law shall be deemed to have come into force on the 23rd day of November, 1998.

This by-law is hereby enacted this 23rd day of November, 1998.

BE IT KNOWN THAT THE DECLARATION OF THIS BY-LAW RESPECTING RESIDENCY ON THE LOUIS BULL RESERVE IS HEREBY ENACTED AS BY-LAW NO. 1998-07, BY THE COUNCIL OF THE LOUIS BULL TRIBE AT A DULY CONVENED MEETING OF THE SAID COUNCIL HELD ON THE 23rd DAY OF November 1998. THIS BY-LAW IS CONSENTED TO BY THE FOLLOWING MEMBERS OF COUNCIL.

HELEN BULL

THERESA BULL

Norman Deschamps
NORMAN DESCHAMPS

Solomon Bull
SOLOMON BULL

J. C. Deschamps
JOSEPH C. DESCHAMPS

Terence Rain
TERENCE RAIN


HENRY RAINE


ELAINE ROASTING


SIMON THREEFINGERS

Being the majority (or more) of those members of the Council of the Louis Bull Tribe present at the aforesaid meeting of the Louis Bull Tribe. **A QUORUM OF THE LOUIS BULL COUNCIL IS FIVE MEMBERS.**

We, the Chief and Council of the Tribe, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional Office pursuant to subsection 82(1) of the Indian Act, this 23rd day of November, 1998.

LOUIS BULL TRIBE

PERMIT TO RESIDE APPLICATION

1. APPLICANT'S NAME: _____
2. PERMANENT/PREVIOUS ADDRESS: _____

3. TELEPHONE NUMBER: _____
4. OCCUPATION: _____
5. EMPLOYER'S NAME AND ADDRESS: _____

6. SOCIAL INSURANCE NUMBER: _____
7. HAVE YOU, WITHIN THE PREVIOUS THREE (3) YEARS, BEEN CONVICTED OF A CRIMINAL OFFENCE FOR WHICH YOU HAVE NOT BEEN PARDONED?
YES _____ NO _____

(IF YES, PLEASE GIVE DETAILS BELOW).