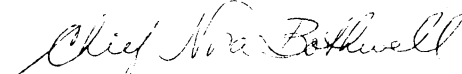
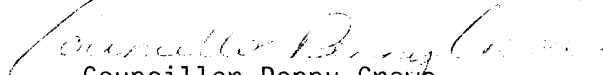



November 14, 1988

Pertaining to land-use by-law.

We hereby agree that we are in agreement with the
above-noted by-law attached hereto.


Chief Nora Bothwell


Councillor Penny Crowe


Councillor Glen V. Marsden

PROPOSED LAND-USE BY-LAW
ALDERVILLE INDIAN RESERVE

WHEREAS THE Indian Act empowers the Councils of Indian Bands to pass by-laws and Resolutions regulating the use of lands located on Indian Reserves;

AND WHEREAS THE DULY ELECTED Council of the Indian Reserve of Alderville wishes to regulate the use of land on a certain part of the Band lands as set out in this By-Law;

THEREFORE the following By-Law is adopted and passed by the Band Council, as set out below.

1. **TITLE**

This by-law shall be known as Land Use By-Law Number ONE (1) for the Indian Band of Alderville.

2. **LANDS AFFECTED**

The lands affected by this By-Law shall be the lands known as Vimy Ridge and as shown in the Attached Schedule "A" to this By-Law.

3. **DEFINITIONS**

The following definitions shall apply in interpreting this By-Law:

"First Nation" shall mean the Alderville First Nation.

"Cottage" shall mean a building used for recreational use or year round residence.

"Council" shall mean the Council of the Alderville First Nation

"Lot" shall mean a separate parcel of land as established in the lands affected in this by-Law.

"Lot Frontage" shall mean the length of the lot lying on a public road in the Plan, but in the case of a waterfront lot shall mean the length of the lot lying on the water.

"Lot Depth" shall mean the length of the lot lines running at an angle to the lot frontage.

"Walkway" shall mean the land not allotted for cottage lots

"Occupant" shall mean a person or persons who are members of the Alderville First Nation and who have either constructed or occupy a cottage or year round residence or are in the process of constructing a cottage in Vimy Ridge as of November 1, 1987.

"Vimy Ridge" shall mean the lands set out in Schedule "A" to this By-Law, being the lands subject to the land use under this By-Law.

"Yard, Front" shall mean the distance between any building on the lot and the line established and the lot frontage.

"Yard, Rear" shall mean the distance between any building on the lot and the lot line opposite the lot frontage.

"Yard, Side" shall mean the distance between any building on the lot and the line established as the lot depth line for that lot.

"Year Round Residence" shall mean a building used for year round occupation as a principal residence in Vimy Ridge.

4. PURPOSE OF BY-LAW

The purpose of this By-Law is to permit the Council to regulate development of Vimy Ridge in an orderly fashion and in a manner beneficial to the Band as a whole. In so doing the Council will have due regard to the present occupants Vimy Ridge in establishing lots and laying out services and land use.

5. GRANTING OF LOTS

The following regulations shall apply to the granting of rights of occupation by way of Certificates of Possession (Certificates) under the Indian Act. At the time of passing of this By-Law no such rights of occupation have been granted to the present occupants of Vimy Ridge.

- a. All present occupants of Vimy Ridge shall be free to apply to Council for a Certificate for the lands on which their cottage or year round residence is presently located, together with an area of land around such building in accordance with the lot

size requirements of this By-Law. It shall not be necessary for such existing occupants to comply with the yard requirements established by this By-law in designating their lot location. The final location of all lot lines shall be as determined by the Council. This cottage and lot cannot be sold to another member unless the certificate is in his/her possession. Any extra land above 70' x 70' not allotted to cottage lots will be used as walkways to back lots or lake.

- b. All persons who are Band members and not yet occupants of Vimy Ridge may apply to the Council for the allocation of a lot in Vimy Ridge. The allocation of such lots shall be in the sole discretion of the Council, in any manner the Band Council may determine from time to time and such allocation of lots shall be subject to the provisions of Section 6 of this By-Law.
- c. The Council shall not create any new lots in the strip of land lying between the present Vimy Ridge Road and the shores of Rice Lake and only those lots created prior to November 1, 1987, shall be allocated to individual owners, with the remainder of the lands in this strip remaining as general Band lands. In determining whether or not a lot existed as of November 1, 1987, the Council shall consider the history and use of the lots as of that date.

6. **CONSTRUCTION REQUIREMENT**

Upon any person not an occupant of Vimy Ridge as of November 1, 1987 being allocated a lot by the Council such person shall be notified in writing by mail and such notice shall be deemed delivered on the day mailed to that person, who will then have a period of TWO (2) calendar years from the date of such notice to complete a closed in structure in compliance with the provisions of this By-Law on the subject property, failing which the Council shall not recommend the granting of a certificate for that person who may then lose all rights to occupy or use the property and the said lot will revert back to the Council. In considering whether the lot shall be allocated to another person, the Council may compensate effort made by the original person granted the lot in complying with the terms of this By-Law and any other reasons for non-compliance.

7. LOT REGULATIONS

The following regulations shall apply to all lots in Vimy Ridge, whether occupied at the time of the passing of this By-Law or allocated under the provisions of this By-Law.

LOT SIZE: 70 feet frontage by 70 feet depth.

LOT USE: Cottage use and year round residential use only with permanent structure only and no trailers permitted on lots. No other uses of lots will be permitted.

MINIMUM COTTAGE SIZE: 400 Square feet.

YARD REQUIREMENTS:

Minimum Side Yard: 10 feet

Minimum Front Yard: 25 feet

Minimum Rear Yard: 15 feet

SEPTIC SYSTEM REQUIREMENTS: Holding tanks of a type and size approved by the council from time to time are the only permitted form of sewage disposal. All waste water and sewage generated on the lot must enter the holding tank. Occupants must have their tank emptied and waste removed before the tank reaches capacity.

DRIVEWAY REQUIREMENTS: All driveways must run at right angles to the road giving access to each lot and must be of a sufficient depth to allow all vehicles visiting the property to be fully removed from the public roadway. Drive way must be constructed first. An 18" culvert is required on the East side of the Vimy Ridge roadway on the hill side.

LAND FILL AND SHORELINE ALTERATION: No fill may be added to or removed from any lot, nor may any shoreline alterations be made without the permission of the Council to such work being done.

8. SURVEY FEES

Each occupant of Vimy Ridge as of November 1, 1987 and each person who may be allocated a lot in Vimy Ridge shall pay to the Council a

fee not be less than \$250.00 as a fee to offset the administrative and survey costs in the development and administration of Vimy Ridge.

9. **ENFORCEMENT**

The enforcement of this By-Law shall be a matter of Band concern and any breach of the By-Law shall be dealt with in stages, as follows:

STAGE ONE - the person alleged to be in breach of the By-Law shall be sent a letter by ordinary mail setting out the nature of the By-Law violation. This person shall then be given the opportunity to attend a meeting of the Band Council within 30 days of the mailing of the letter to explain his or her position in regard to the alleged offence. If council is not satisfied with the explanation (if any) presented, then this matter will proceed to the next stage. If council is satisfied that no offence has been committed then no further action will be taken at this time.

STAGE TWO - The council shall be required to publish in the Band Newsletter or to circulate to the general Band Membership in some fashion, its decision in regard to the alleged offence. If the decision is that an offence has been committed and that further action should be taken then the alleged offender shall be given a period of 60 days to rectify the breach. If the breach is rectified in this period then no further action will be taken. If the breach is not rectified then the council will proceed to Stage Three.

STAGE THREE - A charge will be laid by either the Chief or any By-Law Enforcement Officer or Special Constable which the Council may have appointed. This charge will be processed through an appropriate non-native court. In the event that this Court should convict the alleged offender then the maximum fine can be \$1,000.00 and imprisonment for a term not exceeding thirty days or both, and the court can order that the breach of the By-Law be rectified. The Court's decision will also be sent to the Band membership in the same fashion as the Council's decision in Stage Two.