

KATZIE INDIAN BAND

RESIDENCY BY-LAW NO. 01-1988

A by-law regarding the residence of Band members and other persons on the reserves of the Katzie Indian Band.

Whereas the reserves of the Katzie Indian Band have been set apart by Her Majesty for the use and benefit of the members of the Band; and,

Whereas the Council of the Katzie Indian Band is responsible to the Band membership for the peace, order and good government of the reserve lands of the Band; and,

Whereas the Indian Act, section 81(1)(p), (p.1), (p.2) and (r) allows the Council to make by-laws respecting:

81(1)(p): the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

81(1)(p.1): the residency of Band members and other persons on the reserve;

81(1)(p.2): to provide for the rights of spouses and children who reside with members of the Band on the reserve with respect to any matters in relation to

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which the Council may make by-laws in respect of members of the Band; and,

81(1)(r): the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section.

Therefore, subject to the Indian Act, sections 18.1, 28(2) and 58(3) and pursuant to the Indian Act sections 81(1)(p), 81(1)(p.1), 81(1)(p.2) and 81(1)(r) the Council of the Katzie Indian Band enacts the following by-law:

#### TITLE

1. This by-law may be cited as the KATZIE INDIAN BAND RESIDENCY BY-LAW No. 01-1988.

#### PART I

#### INTERPRETATION

2. In this by-law:
  - (1) "Act" means the Indian Act, SC 1985, c.27, amending the Indian Act, RSC 1970, c. I-6;
  - (2) "Band" means the Katzie Indian Band;
  - (3) "Band List" means a list of Band Members which is maintained by the Band;

(4) "Band member" means a person whose name appears on the Band List;

(5) "Council of the Band" (the "Council") means the Chief and Council chosen according to the custom of the Band;

(6) "Minister" means the Minister of Indian Affairs and Northern Development;

(7) "non-Band member" means any person who is not a member of the Katzie Indian Band;

(8) "ordinarily resident" means a person who normally lives on the reserve as evidenced by receiving his mail at his home address located on the reserve and includes students studying off the reserve who return to their permanent home located on the reserve;

(9) "reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Band, or which may be acquired by way of land claim settlement;

(10) "Rules" means the Katzie Indian Band Membership Rules; and,

(11) Use of words denoting the male gender is deemed to include the female gender.

## PART II

### RESIDENCY ENTITLEMENT

3. Only a Band member shall be entitled to reside on the reserves of the Band, subject to the availability of suitable residential land and adequate housing resources.

4. A non-Band member may apply to Council for permission to reside on the reserve providing he:

(1) ordinarily resides with a Band Member who is his legal or common law spouse; or,

(2) ordinarily resides with his dependent children who are Band Members and over whom he has legal custody; or,

(3) is widowed from his legal or common law spouse who was a Band Member, and his conduct in the Katzie community demonstrates his lifestyle is compatible with the culture, customs and community standards of the Band.

5. Persons entitled to live on a reserve of the Band pursuant to sections 18.1, 28(2) and 58(3) of the Act need not apply for a Residency Permit but must present

documentary evidence to Council proving their legal entitlement to live on the reserve.

6. A non-Band member who ordinarily resides on the reserve with a Band member as of the date this by-law comes into force, may continue to do so upon his continued observance of the peace of the community.

### PART III

#### APPLICATION PROCEDURE

7. Upon this by-law coming into force, all non-Band members wishing to reside on the reserve pursuant to section 4 shall apply to Council for a Residency Permit by submitting a letter of application explaining his circumstances and the reason for the application.

8. All applications shall include a signed Undertaking, attached as Schedule "A" to this by-law, to maintain the peace and tranquility of the community and uphold the customs and by-laws of the Band if he is granted a Residency Permit.

9. Upon receipt of an application for a Residency Permit, Council shall advise the applicant of the date of the next scheduled Council meeting, at which time the application shall be considered.

10. The applicant may attend at the Council meeting to explain his reasons for applying for a Residency Permit.

11. The Council may:

(1) issue a Residency Permit for a specific period of time, with or without conditions; or,

(2) issue a Residency Permit for an indefinite period of time revocable by Council upon any breach of the peace, customs or by-laws of the Band; or,

(3) deny the application if the applicant has previously demonstrated disrespect for the peace, order and good government of the Band.

12. The Council shall notify the applicant, in writing, of its decision to permit or deny the application within thirty days of the Council meeting at which the decision was made.

#### PART IV

#### RESIDENCY RIGHTS OF NON-BAND MEMBERS

13. Non-Band members who reside on the Katzie reserves pursuant to Part II of this by-law will not be entitled to receive or benefit from any funding allocated by the federal or provincial governments on behalf of the members of the Band.

14. The community rights of a non-Band member who has been issued a Residency Permit include:

(1) quiet enjoyment of his residence on the reserve;  
and,

(2) expressing his opinion at Band meetings about community affairs which directly affect himself and his immediate family.

15. For greater certainty, a resident non-Band member shall not vote at Band elections nor shall he be eligible to run for any elected office on the reserve.

#### PART V

#### LOSS OF RESIDENCY RIGHTS

16. A Band member ceases to be entitled to reside on the reserve if his name has been deleted from the Band List pursuant to Part V of the Rules.

17. The Council may revoke the residency permit of a non-Band member if:

(1) he has been convicted of an indictable offense against the person or property of another resident on the reserve; or,

(2) he engages in any illegal or unscrupulous activity which proves harmful to the general welfare and good reputation of the Band; and,

(3) a majority of the adult, resident Band members recommend to Council at a general Band meeting, of which one month's notice is given, that his residency permit be revoked and cancelled by the Council.

PART VI  
ENFORCEMENT AND PENALTY

18. A person whose right to reside on the reserve has been revoked pursuant to Part V of this by-law, shall be given one month notice in writing by the Council to vacate his residence on the reserve.

19. Failure to comply with the notice to vacate shall constitute an offense punishable upon summary conviction and, if convicted, a person who fails to comply with the notice to vacate is liable to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days or both.

20. For greater certainty, sections 20 to 29 of the Act respecting possession of reserve lands shall govern the rights of a Band member who ceases to be entitled to reside on the reserves of the Band.



PART VII  
SEVERABILITY

21. If any part of this by-law is declared or adjudged to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of this by-law.

Read, considered and adopted at a duly convened meeting of the Council of the Katzie Indian Band on the 5<sup>th</sup> day of July, 1988.

Diane Bailey )  
Chief Diane Bailey )  
June Adams )  
Councillor June Adams )  
Agnes Pierre )  
Councillor Agnes Pierre )  
Wayne Florence )  
Councillor Wayne Florence )

WITNESSED BY: .  
Christine D Oliver  
Christine D Oliver  
Band Manager

UNDERTAKING

Schedule "A"

KATZIE INDIAN BAND RESIDENCY BY-LAW

I, \_\_\_\_\_,

undertake to maintain the peace and tranquility of the community and uphold the customs and by-laws of the Katzie Indian Band if I am granted a Residency Permit by the Katzie Band Council.

Signed at \_\_\_\_\_ )  
(City and Province) )

this \_\_\_\_\_ day of \_\_\_\_\_ )  
(Month) )

19\_\_\_\_ . )

Witnessed by: )

\_\_\_\_\_  
) (Signature of Applicant)

\_\_\_\_\_  
) (Name)

\_\_\_\_\_  
) (Address)

\_\_\_\_\_  
) (Occupation)

RESIDENCY PERMIT

Schedule "B"

KATZIE INDIAN BAND RESIDENCY BY-LAW

This permit authorizes \_\_\_\_\_  
(Print name)  
to reside on KATZIE INDIAN RESERVE # \_\_\_\_\_  
for the period of time beginning \_\_\_\_\_  
(State date)  
and ending \_\_\_\_\_  
(State date or "Indefinite Period")

pursuant to Section \_\_\_\_\_ of the Residency By-law  
(State section)  
providing he or she maintains the peace and tranquility of  
the community and upholds the customs and by-laws of the  
Katzie Indian Band while resident on the reserve.

\_\_\_\_\_  
Chief Diane Bailey

\_\_\_\_\_  
Councillor June Adams

\_\_\_\_\_  
Councillor Agnes Pierre

\_\_\_\_\_  
Councillor Wayne Florence

Date Issued: \_\_\_\_\_