

BY-LAW NUMBER 4
OF THE
LOON RIVER FIRST NATION BAND # 476

A BY-LAW FOR REGULATING THE CONSTRUCTION, REPAIR AND USE OF HOUSES OWNED BY THE LOON RIVER FIRST NATION BAND

WHEREAS the Council of the Loon River First Nation Band desires to make a by-law regulating the construction, repair and use of houses owned by the Loon River First Nation Band;

WHEREAS the Council of the Loon River First Nation Band has given its intention to the membership to regulate the planning, construction, allocation and maintenance of houses built for the benefit of the members;

WHEREAS the majority of the Electors of the Loon River First Nation Band have given their consent to adopt this by-law

AND WHEREAS the Council of the Loon River First Nation Band is empowered to make such by-law pursuant to paragraphs 81(1) (f), (h) and (r) of the Indian Act;

NOW THEREFORE the Council of the Loon River First Nation Band hereby makes the following by-law:

Short Title

1. This by-law may be cited as the "Loon River First Nation Band Housing By-Law".

Definitions

2. In this by-law,

"Band" means the Loon River First Nation Band

"House" means any structure used or designed to be used for shelter and accommodation of persons constructed by the Band for the benefit and enjoyment of a member.

"Council" means the Council, as defined by the Indian Act, of the Loon River First Nation Band

"Applicant" means a person who submitted an application for a house in accordance with section 4.

"Member" means a person whose name appears on the Loon River First Nation Band list or who is entitled to have his name appear on the Loon River First Nation Band list pursuant to the Indian Act and the membership rules of the Band

"Elector" means a person(s) who is a member of the Loon River First Nation Band and who is eighteen (18) years of age or older.

"Reserve" means the Loon River First Nation Band Reserve numbers 235, 236 and 237

"Occupancy" the possession and use of property by agreement and without any claim to ownership.

3. Eligibility

- 3.1. All Members are eligible to apply for housing using an approved application form.
- 3.2. Residency on the Loon River First Nation Band reserve is not a prerequisite however those members wishing to return to the Loon River First Nation reserve to a new house provided by Loon River First Nation Band, are encouraged to apply at least one year in advance.
- 3.3. Housing is available only on reserve. The Loon River First Nation Band will not build nor own housing off-reserve.
- 3.4. Members can be allocated one house, only, in 20 years.

4. Application procedure

- 4.1. Any members desiring a house shall complete an application approved by Council.
- 4.2. Selection for housing will be made using a combination of need, size of family, current housing condition, age and condition of current housing, and health concerns.
- 4.3. Final approval for all housing allocations will be made by Chief and Council.

5. Location and Construction

- 5.1. Houses are to be located consistent with the general community plan in order to effectively and efficiently provide services.
- 5.2. Council in consultation with the membership will determine the type, style and size of houses to be built and/or purchased. This is necessary to achieve the best value from the available resources.
- 5.3. All purchasing of building materials, agreements with contractors, sub-trades and construction supervision will be the responsibility of the Loon River First Nation Band.
- 5.4. For those who will occupy the house, minor changes to floor plans may be made if the Loon River First Nation Band is given ample notice and the changes do not increase the cost of construction.
- 5.5. For those members allocated a house and who will occupy the house, choice of paint color and floor coverings may be available within the budget allowed for the house.
- 5.6. Any additional costs incurred due to the request of the occupant will be the responsibility of the occupant and must be paid prior to construction.

6. Maintenance and repairs

- 6.1 All renovations and maintenance or routine repairs to any damage, service, replacement of items for what ever reason, are the sole responsibility of the occupant once the house has been occupied.

- 6.2. The Loon River First Nation Band will provide a 1 year warranty to cover defective materials and/or installation problems. At the end of the warranty period, the occupant is responsible for all needed repairs, work and/or maintenance to the house.
- 6.3. Maintenance for houses is strictly limited to Elders (those 60 years of age and older) and those members deemed unemployable (those eligible for long term social assistance). Maintenance is defined as annual appliance servicing including furnace, hot water tank, water and sewer lines, adjustments due to settling, and inspection of building to identify potential problems.
- 6.4. In the event of an emergency, fire or natural disaster such as a flood, forest fire, tornado, immediate assistance may be offered. In such cases, Council will have the final decision with respect to aide and assistance provided including any repairs, maintenance or renovations.
- 6.5. Any house left unattended and/or vacant is the sole responsibility of the occupant.
- 6.6. Each house occupant is responsible for fire insurance coverage of their personal effects such as furniture, clothing and household goods.

7. Mobile Home Program

- 7.1. Mobile homes are temporary arrangements for members until permanent housing is available.
- 7.2. The occupant will give up possession of their mobile home to the Loon River First Nation Band when a permanent house is provided.
- 7.3. Once a mobile home has reverted to Loon River First Nation Band, the mobile home may be relocated and allocated by Chief & Council.

8. General Provisions

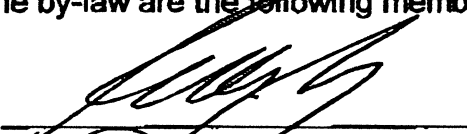
- 8.1. On reserve, houses may only be owned by members of the Loon River First Nation and/or the Loon River First Nation Band.
- 8.2. Houses may not be transferred, sold or removed without the consent of Council

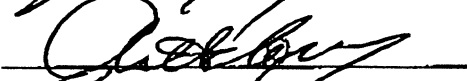
9. Amendments to the Housing By-Law


- 9.1. The Council shall provide at least fourteen (14) days notice of any proposed amendments to this By-Law.
- 9.2. Amendments shall be consented to by a majority of Electors.


THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Council of the Loon River First Nation Band this 11th day of MAY, 2000.

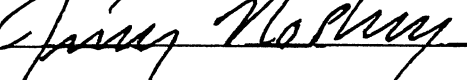
Voting in favour of the by-law are the following members of the Council:

Paddy Noskey 

Arthur Noskey 

Paul Letendre 


Sandy Whitehead 


Jerry Noskey 

being a majority of the members of the Council of the Loon River First Nation Band present at the aforesaid meeting.

The quorum of the Council is three (3) members. The number of members of Council present at the meeting: five (5).

I, Paddy Noskey, Chief of the Loon River First Nation Band, 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 Alberta Regional office of the department pursuant to subsection 82(1) of the Indian Act, this 11th day of MAY, 2000.


Paddy Noskey


(Witness)