

JANVIER INDIAN BAND RESIDENCY BY-LAW

A by-law regarding the residency of Band members and other persons on the Janvier Indian Reserve:

WHEREAS the Janvier Indian Band Council is responsible for the conduct of the affairs of the Janvier Indian Band; and

WHEREAS a council of an Indian Band may enact by-laws regarding the residency of band members and other persons on an Indian Reserve pursuant to the provisions of the Indian Act, R.S.C. 1970, c. I-6, as amended; and

WHEREAS the Janvier Indian Band Council has determined that it is in the interests of the Janvier Indian Band to enact this by-law;

BE THEREFORE ENACTED as a by-law of the following:

1. In this by-law:

(a) "Band" means the Janvier Indian Band;

(b) "Band member" means a person whose name is included in the Band List of the Janvier Indian Band;

(c) "Council" means the duly elected Chief and Council of the Band;

(d) "Reserve" means those lands that have been set apart, the legal title to which is vested in Her Majesty The Queen in the right of Canada, for the use and benefit of the Janvier Indian Band;

(e) "spouse" means a legal spouse or a common law spouse;

(f) "dependent" means:

i) a child under eighteen years of age who is the natural or adopted child of his or her parents,

ii) a child under eighteen years of age who is in the care or custody of a person, or

iii) or a person over the age of eighteen years of age who is unable by reason of illness, disability, or other cause to withdraw himself or herself from the care of the person having charge over him or he ;

(g) "reside" means to have a place which has been chosen by a person as his or her principal place to live.

2. The Council may consent to Band members and other persons residing on the Reserve.

3. Any Band member is entitled to reside on the Reserve so long

as that person remains a member of the Janvier Indian Band.

4. A non-band member spouse and his or her dependents are entitled to reside on the Reserve with their Band member spouse.

5. Nothing in this by-law gives a non-band member spouse or his or her dependents any right to take part in Band affairs.

6. An entitlement to reside on the Reserve does not mean that a band member must be provided with housing or land in any manner except in accordance with the custom of the Band and the policies of Council as decided from time to time.

7. Where a non-band member spouse or non-band member dependent resided on the Reserve with a Band member and then separated from the Band member, the non-band member may continue to reside on the Reserve for only so long as Council consents and where that consent is withdrawn, the non-band member shall cease to have a right to reside on the Reserve.

8. Notwithstanding section 3, a Band member may have his right to reside on the Reserve suspended by Council for any period up to three years if he or she has been convicted of an indictable offence under the Criminal Code of Canada and, in the opinion of Council, presents a danger to the residents of the Reserve.

9. Where Council has suspended the right of a Band member to reside on the Reserve suspended or has withdrawn the consent to a non-band member to reside on the Reserve, that person shall have 30 days to appeal Council's decision to the resident Band members at a Band meeting whose decision on the appeal shall be final.

10. No person shall reside on the Reserve except in accordance with the provisions of this by-law.

11. Any person who contravenes section 10 of this by-law is

guilty of an offence and is liable upon summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

12. The Council may, by resolution of a quorum of Council in a meeting, establish procedures for the implementation of this by-law.

13. The powers conferred upon Council and also the powers conferred upon the Band members in a meeting to consider an appeal shall be exercised fairly and without discrimination.

14. This by-law shall come into force on the date determined pursuant to section 82 of the Indian Act.

THIS BY-LAW IS DULY APPROVED AT THE MEETING OF THE CHIEF AND COUNCIL OF THE JANVIER INDIAN BAND ON THE 20 DAY OF September 1988.

  
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CHIEF

  
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COUNCILLOR

  
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COUNCILLOR