

**BIGSTONE CREE NATION
RESIDENCY BYLAW**

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**BIGSTONE CREE NATION
RESIDENCY BYLAW**

**A BYLAW GOVERNING THE RESIDENCY OF
BIGSTONE CREE NATION MEMBERS AND NON-
MEMBERS ON THE BIGSTONE CREE NATION RESERVES**

WHEREAS Chief and Council derives its authority from the Membership of the Bigstone Cree Nation and is responsible for the peace, order and good government of the Bigstone Cree Nation;

AND WHEREAS Chief and Council have decided that it is in the best interests of the Bigstone Cree Nation to replace the existing Bigstone Cree Nation Residency Bylaw with a new Bigstone Cree Nation Residency Bylaw;

AND WHEREAS Chief and Council may enact a Bylaw governing the residency of Members and Non-Members of the Bigstone Cree Nation Reserves pursuant to ss. 81(1)(p), (p.1), (p.2), (q), 81(2) and 81(3) of the *Indian Act*, R.S.C. 1985, c I-5, as amended;

AND WHEREAS Chief and Council has decided it is necessary for the health, safety and welfare of Band Members of the Bigstone Cree Nation to regulate the residency of Bigstone Cree Nation Members and Non-Members on the Reserves;

AND WHEREAS nothing in the Bylaw shall deem to alter, diminish, derogate or abrogate any Aboriginal or Treaty rights of the Bigstone Cree Nation or its Members;

NOW THEREFORE CHIEF AND COUNCIL OF THE BIGSTONE CREE NATION HEREBY ENACTS THE FOLLOWING BYLAW:

**Part 1
Interpretation**

1.0 SHORT TITLE

1.1 This Bylaw may be cited as the *Bigstone Cree Nation Residency Bylaw*.

2.0 DEFINITIONS

2.1 In this Bylaw:

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- (a) "Applicant" means a person who has submitted an application for permission to be a resident of the Bigstone Cree Nation in accordance with Section 5.0 herein;
 - (b) "BCN" means Bigstone Cree Nation;

- (c) "Council" means the Chief and Council of the Bigstone Cree Nation;
- (d) "Dependent" means:
- (i) a child under eighteen (18) years of age who is the natural child of a Member of the Bigstone Cree Nation or a child adopted by a Member of the Bigstone Cree Nation either legally or by Indian Custom;
 - (ii) a child under eighteen (18) years of age who is in the custody of an adult Member of the Bigstone Cree Nation;
or
 - (iii) a person over the age of eighteen (18) years who is unable, due to illness, disability or other cause to withdraw from the care of the adult Member of the Bigstone Cree Nation having custody of that person;
- (e) "Dwelling" means any home, apartment, mobile home or room located therein or any similar lodging suitable for habitation;
- (f) "Indian Act" means the *Indian Act* R.S.C. 1985, c. I-5, as amended;
- (g) "Indian Custom" means a traditional Indian practice;
- (h) "Indictable Offence" means a criminal offence as defined in the *Criminal Code* R.S.C. 1985, c. C-46, as amended;
- (i) "Member" means a person who is registered as a Member of the Bigstone Cree Nation according to the Bigstone Cree Nation Membership Code;
- (j) "Minor" means any person under the legal age of eighteen (18) years in the Province of Alberta;
- (k) "Non-Member" means a person who is not registered as a Member of the Bigstone Cree Nation under the Bigstone Cree Nation Membership Code and includes a person reinstated to Indian status under the Bill C-31 amendment to the *Indian Act* who has not met the requirements of the Bigstone Cree Nation Membership Code;
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- (l) "Officer" means any R.C.M.P., police officer, bylaw enforcement officer or any other person appointed by the Chief and Council to preserve and maintain the public peace;

- (m) “Principal Residence” means the place at which a person ordinarily resides on a more frequent basis than at any other place at which the person may reside from time to time;
- (n) “R.C.M.P.” means Royal Canadian Mounted Police;
- (o) “Reserve” means the lands that have been set apart, the legal title of which is vested in Her Majesty in Right of Canada for the use and benefit of the Members of the Bigstone Cree Nation and includes Bigstone Indian Reserves No. 166 (Sandy Lake), 166A, 166B, 166C & 166D, Jean Baptiste Gambler Indian Reserve No. 183 and any other lands which may be acquired by way of land claims agreements;
- (p) “Reside” means to live in a dwelling otherwise than as a visitor on the Bigstone Cree Nation Reserve;
- (q) “Residency/Trespass Bylaw Board” means a Board appointed by Chief and Council pursuant to section 4.0 herein;
- (r) “Resident” means a person who is entitled to reside on the Bigstone Cree Nation Reserve as provided by Section 3.0 herein;
- (s) “Rural Area” means that part of the Reserve which is not surveyed as a townsite;
- (t) “Spouse” means the legal or common law spouse of a Member of the Bigstone Cree Nation;
- (u) “Summary Offence” means a criminal offence as defined in the Criminal Code of Canada R.S.C. 1985, c.C-46 as amended;
- (v) “Townsite” means an area of the Reserve which is surveyed and divided into lots;

Part 2

Right to Reside on Reserve

3.0 ENTITLEMENT TO RESIDE ON RESERVE

3.1 A person is entitled to reside on the BCN Reserve only if the following criteria are met:

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- (a) has his/her principal residence on the BCN Reserve at the time this Bylaw comes into force; and
 - (b) is authorized to reside on the BCN Reserve pursuant to one of the following provisions of the Indian Act: sections 18.1, 20 and 24 and subsections 28(2) and 58(3); or

- (c) is granted the right by means of this Bylaw.
- 3.2 A Non-Member may not reside on the Reserve but may apply to the Residency/Trespass Bylaw Board for permission to reside on the Reserve.
- 3.3 In the event that a Member and a Non-Member spouse who reside on the Reserve cease to live together as a result of a separation, divorce or other reason then the Non-Member spouse shall no longer be entitled to reside on the Reserve. In order to continue to reside on the Reserve the Non-Member spouse shall apply to the Residency/Trespass Bylaw Board for residency in accordance with Section 5 herein.
- 3.4 Non Member employees of the BCN or of corporations affiliated with the BCN are permitted to reside on the Reserve for so long as they are employed by the BCN or affiliated corporations. Upon the date of termination of employment with the BCN or the affiliated corporation, the Non Member shall no longer have the legal right to reside on the Reserve and shall immediately leave the Reserve.

Part 3
Residency/Trespass Bylaw Board

4.0 RESIDENCY/TRESPASS BYLAW BOARD

- 4.1 Chief and Council shall appoint a Residency/Trespass Bylaw Board to provide for the administration of residency applications, petitions and complaints made under this Bylaw and to maintain records related to the residents of the BCN Reserve.
- 4.2 The Residency/Trespass Bylaw Board shall be appointed by Chief and Council and shall maintain a list of residents, on which is recorded:
 - (a) the name and photo identification of each resident,
 - (b) the name and photo identification of each dependent child who reside with the resident,
 - (c) the name and photo identification of other dependents who reside with the resident,
 - (d) an indication as to whether each resident is a resident for an indefinite or defined period,

 - (e) the length of any defined period of residence,
 - (f) the location of each resident's dwelling,

- (g) whether the resident is a Treaty Indian or a Non- Treaty Indian, and
- (h) records of all applications,

Part 4
Residency Application Process

5.0 APPLICATION TO BE A RESIDENT

- 5.1** A person shall apply to the Residency/Trespass Bylaw Board for permission to be a resident of the BCN Reserve or to extend any defined period of residency for which permission was previously granted to the person by the Residency/Trespass Bylaw Board or Chief and Council.
 - 5.2** The application shall be filed with the Residency/Trespass Bylaw Board and shall include:
 - (a) the applicant's reasons for applying to be a resident,
 - (b) if the applicant proposes to reside on the BCN Reserve for a limited time then the approximate duration of the proposed residence,
 - (c) the location at which the applicant proposes to reside,
 - (d) the name of the applicant's spouse, if any,
 - (e) the names of the applicant's dependent children, if any,
 - (f) the name(s) of any other person(s) who is a dependent of the applicant,
 - (g) any additional information the applicant wishes to provide relating to the criteria indicated in subsection 7.2 herein,
 - (h) criminal records check from the R.C.M.P,
 - (i) whether the applicant is or will be employed,
 - (j) whether the applicant is a Treaty Indian or a Non-Treaty Indian, and
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- (k) any other information required by the Residency/Trespass Bylaw Board;

6.0 RESIDENCY HEARING

- 6.1 Within thirty (30) days after receipt of a fully completed application in accordance with section 5.0 herein, the Residency/Trespass Bylaw Board shall hold a hearing with respect to the application.
- 6.2 At least fourteen (14) days prior to the hearing, the Residency/Trespass Bylaw Board shall:
- (a) give written notice to the applicant of the date, time and place of the hearing and inform the applicant that he/she shall appear at the hearing, and
 - (b) post in the Band Administration office a copy of the notice of the hearing.
- 6.3 At the hearing, the Residency/Trespass Bylaw Board shall:
- (a) provide the applicant with an opportunity to present evidence and to make oral and written submissions in support of the application, and
 - (b) provide any BCN Member present at the hearing with an opportunity to make a submission with respect to the application.
- 6.4 The Residency/Trespass Bylaw Board may make rules of procedure governing the hearing and shall keep records of its proceedings.

7.0 RESIDENCY DECISION

- 7.1 The Residency/Trespass Bylaw Board shall meet in private to consider the application after hearing and receiving all the submissions with respect to the application.
- 7.2 In determining whether an application for permission to be a resident of the BCN Reserve should be granted, the Residency/Trespass Bylaw Board shall take into consideration but shall not be limited to the following criteria:
- (a) whether the applicant has arranged for an approved dwelling to reside on the BCN Reserve,
 - (b) whether the applicant's residing on the BCN Reserve would be compatible with the culture, society and welfare of the Members residing on the BCN Reserve,
 - (c) whether the applicant is of good moral character,

- (d) the extent to which the applicant is prepared to commit his / her personal and economic resources to the advancement and welfare of the BCN,
- (e) the availability on the BCN Reserve of adequate housing, land and services,
- (f) whether the applicant is or will be employed,
- (g) a criminal records check,
- (h) whether the applicant is a Treaty Indian or a Non-Treaty Indian,
- (i) the applicant's dependents,
- (j) whether the applicant is or has been involved in criminal activity including but not limited to gang activities or organized crime,
- (k) whether the applicant has taken reasonable steps to rehabilitate himself or herself if the applicant does have past criminal conviction(s).

7.3 Within ten (10) days after the hearing, the Residency/Trespass Bylaw Board shall notify the applicant in writing of their decision and shall post a notice of its decision in the BCN Band Administration office and indicate on the notice the date of posting of the decision.

7.4 In all decisions concerning residency in this Bylaw the Residency/Trespass Bylaw Board shall give their decisions in writing and provide reasons for their decision.

7.5 An applicant whose application is refused under this section may appeal to Chief and Council pursuant to section 13.0 herein.

Part 5

Cancellation of Residency by Special and/or Emergency Hearing

8.0 CANCELLATION OF RESIDENCY BY SPECIAL AND /OR EMERGENCY HEARING:

8.1 a) In the event that a resident of the BCN Reserve is or has been:

- (1) convicted of a summary offence under the Criminal Code of Canada; or
- (2) charged with a summary offence under the Criminal Code of Canada; or

- (3) convicted of an indictable offence under the Criminal Code of Canada; or
- (4) charged with an indictable offence under the Criminal Code of Canada; or
- (5) acting in a manner that is a threat to the health, safety and welfare of other BCN Members on the Reserve;

then the Residency/Trespass Bylaw Board may on its own initiative or at the direction of Chief and Council shall hold a hearing as soon as possible on an urgent basis to determine whether it is in the best interests of the BCN Members on Reserve that the residency of the resident be cancelled immediately.

- b) In determining whether the residency of the resident referred to in section 8.1(a)(1), (2), (3), (4) and (5) be cancelled immediately the Residency/Trespass Bylaw Board shall take into consideration but shall not be limited to the criteria indicated in section 7.2 herein.
- c) In the event that the resident referred to in section 8.1(a)(1), (2), (3), (4) and (5) is a minor the Residency/Trespass Bylaw Board shall hold a hearing as soon as possible on an urgent basis to determine whether it is in the best interests of the BCN Members on Reserve that the residency of the parent(s) and/or legal guardian(s) of the minor should be cancelled immediately.

8.2 In the event that a resident has been forced to leave a residence or is evicted by a tenant, or a marriage or common law union has broken down, the resident may make application for a special / emergency hearing to continue to reside on BCN Reserve.

8.3 In the event that the Residency/Trespass Bylaw Board shall fail to convene within seven (7) days from being directed to do so in accordance with this section or fails to reach a decision within three (3) days from the date of the hearing, then Chief and Council may assume the function of the Residency/Trespass Bylaw Board and shall have the jurisdiction to address the matter in substitution of the Residency/Trespass Bylaw Board. After Chief and Council hold a hearing Chief and Council shall have the authority to cancel the residency rights of a resident. There shall be no appeal from the decision of Chief and Council.

8.4 Any hearing to be held in accordance with this section shall require notice to be served on the resident personally, or if such notice is not practical in the circumstances then such notice specifying the place, date, and time of the hearing shall be posted in the BCN Band Administration Office no less than three (3) days prior to the date and time of the hearing.

- 8.5 A resident whose right to reside on the BCN Reserve has been cancelled by the Residency/Trespass Bylaw Board under this section shall leave the Reserve within twenty-four (24) hours from the date that the notice of the decision was posted in the Band Administration Office and shall not be permitted to enter the Reserve without the written permission of Chief and Council. The notice of the decision shall indicate the date that the notice was posted.
- 8.6 A resident whose right to reside on the BCN Reserve has been cancelled by the Residency/Trespass Bylaw Board under this section only after leaving the BCN Reserve in accordance with section 8.5 may appeal the decision of the Residency/Trespass Bylaw Board to Chief and Council with the exception of a decision of Chief and Council under section 8.3 herein. In spite of the right of appeal the resident shall not be permitted to enter the BCN Reserve without the written permission of Chief and Council.

Part 6
Cancellation of Residency by Petition

9.0 CANCELLATION OF RESIDENCY BY PETITION

- 9.1 A resident(s) may present a Petition in writing to the Residency/Trespass Bylaw Board signed by Members on the Reserve who are a minimum of eighteen (18) years of age demanding that the residency of a resident(s) of the BCN Reserve be cancelled by the Residency/Trespass Bylaw Board subject to the following minimum requirements:
- (a) in order to cancel the residency of a resident(s) residing in Calling Lake the Petition must be signed by a minimum of forty (40) BCN Members residing in Calling Lake,
 - (b) in order to cancel the residency of a resident(s) residing in Chipewyan Lake the Petition must be signed by a minimum of fifteen (15) BCN Members residing in Chipewyan Lake, and
 - (c) in order to cancel the residency of a resident(s) residing in any other Reserve other than Calling Lake or Chipewyan Lake the Petition must be signed by a minimum of seventy five (75) BCN Members;
- 9.2 The Petition shall contain the details as to why the residency of a resident(s) of the BCN Reserve should be cancelled;
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- 9.3 Within thirty (30) days after the Petition referred to in subsection 9.1 is received the Residency/Trespass Bylaw Board shall hold a hearing into the matter.

- 9.4 At least fourteen (14) days prior to the hearing, the Residency/Trespass Bylaw Board shall:
- (a) give written notice to each petitioner and to the resident(s) of the date, time and place of the hearing and informing the petitioner and the resident(s) that he/she shall appear at the hearing, and
 - (b) post in the BCN Band Administration office a copy of the notice of the hearing.
- 9.5 At the hearing, the Residency/Trespass Bylaw Board shall:
- (a) provide each petitioner and the resident(s) with an opportunity to present evidence and to make oral and written submissions, with respect to the Petition, and
 - (b) provide any BCN Member present at the hearing with an opportunity to make submissions with respect to the Petition.
- 9.6 The Residency/Trespass Bylaw Board shall make rules of procedure governing the hearing of Petitions under this section and shall keep records of its proceedings.
- 9.7 The Residency/Trespass Bylaw Board shall meet in private to consider the Petition after hearing and receiving all submissions with respect to the Petition.
- 9.8 Within ten (10) days after the hearing, the Residency/Trespass Bylaw Board shall notify the petitioners and the resident(s) in writing of their decision and post a notice of its decision in the BCN Band Administration Office and indicate on the notice the date of posting of the notice.
- 9.9 A resident whose right to reside on the BCN Reserve has been cancelled by the Residency/Trespass Bylaw Board under this section shall leave the Reserve within twenty-four (24) hours from the date that the notice of the decision was posted in the BCN Band Administration Office and shall not be permitted to enter the Reserve without the written permission of Chief and Council. The notice of the decision shall indicate the date that the notice was posted.
- 9.10 A resident whose right to reside on the BCN Reserve has been cancelled by the Residency/Trespass Bylaw Board under this section, only after leaving the BCN Reserve in accordance with section 9.9, may appeal the ~~decision of Residency/Trespass Bylaw Board to Chief and Council.~~ In spite of a right of appeal the resident shall not be permitted to enter the BCN Reserve without the written permission of Chief and Council.

Part 7
Cancellation of Residency by Complaint

10.0 CANCELLATION OF RESIDENCY BY COMPLAINT

- 10.1** A BCN resident(s) may present the Residency/Trespass Bylaw Board with a written complaint against another resident of the Bigstone Cree Nation which shall contain details as to why the behavior of that resident is a threat to the health, safety and welfare of other BCN Members on the Reserve.
- 10.2** Within thirty (30) days of receipt of the complaint the Residency/Trespass Bylaw Board shall fully investigate the complaint and may review the complaint with the R.C.M.P.
- 10.3** If after an investigation the Residency/Trespass Bylaw Board concludes that the complaint is valid then a first warning letter shall be delivered to the resident who is the subject of the complaint requiring that he/she act in a lawful and peaceful manner while on the Reserve and notifying the resident that any further written complaints against that resident may result in the cancellation of that resident's residency on the BCN Reserve and the removal of the resident from the BCN Reserve.
- 10.4** In the event that a second written complaint is received by the Residency/Trespass Bylaw Board against a BCN resident from another BCN resident containing details that are different from the first written complaint as to why this resident is a threat to the health, safety and welfare of other BCN Members on the Reserve then the Residency/Trespass Bylaw Board shall immediately investigate the complaint. In the event that the Residency/Trespass Bylaw Board concludes that the second written complaint is valid then it shall proceed as follows:
- (1) Within thirty (30) days from the receipt of the second written complaint the Residency/Trespass Bylaw Board shall:
 - (a) send a second final warning letter to the resident indicating that a third written complaint against the resident found to be valid shall result in the cancellation of his/her residency and removal from the BCN Reserve and ordering the resident to immediately keep the peace and act in a lawful manner while on the Reserve, and
 - (b) post the second final warning letter in the BCN Band Administration Office;
- 10.5** In the event that a third written complaint is received by the Residency/Trespass Bylaw Board against a BCN resident from another BCN resident containing details that are different from the

written complaints as to why the resident is a threat to the health, safety and welfare of other BCN Members on the Reserve then the Residency/Trespass Bylaw Board shall immediately investigate the complaint. In the event that the Residency/Trespass Bylaw Board concludes that the third written complaint is valid then it shall proceed as follows:

- (1) Within thirty (30) days from receipt of the third written complaint the Residency/Trespass Bylaw Board shall:
 - (a) take whatever steps are necessary to cancel the residency of that resident and order that the resident be removed from the BCN Reserve,
 - (b) attempt to serve the resident with the cancellation letter informing him/her that his/her residency has been cancelled and that he/she shall leave the Reserve within twenty four (24) hours from the date of service of the cancellation letter. In the event that the Residency/Trespass Bylaw Board is unable to serve the resident with the cancellation letter then the resident shall leave the Reserve within twenty four (24) hours from the date that the cancellation letter is posted in the BCN Band Administration Office, and
 - (c) post the cancellation letter in the BCN Band Administration Office and indicate on the letter the date of posting of the letter.
- (2) In the event that the resident does not leave the Reserve as required then the Residency/Trespass Bylaw Board shall immediately demand that the R.C.M.P. enforce the order of the Residency/Trespass Bylaw Board.

10.6 A resident whose right to reside on the BCN has been cancelled by the Residency/Trespass Bylaw Board under this Section only after leaving the BCN Reserve in accordance with Section 10.5, may appeal the decision of the Residency/Trespass Bylaw Board to Chief and Council. In spite of the right of appeal the resident shall not be permitted to enter the BCN Reserve without the written permission of Chief and Council.

Part 8

Reapplication for Residency

11.0 REAPPLICATION

11.1 In the event that an application made under section 5.0 is denied or a residency under section 8, 9 or 10 is cancelled the Residency/Trespass Bylaw Board shall not be required to consider any further application by

that resident for a period of three (3) years from the date of the decision of the Residency/Trespass Bylaw Board.

- 11.2** A resident whose residency has been cancelled may after a period of three (3) years from the date of the decision of the cancellation of the residency reapply for residency under Section 5.

**Part 9
Appeal Process**

12.0 APPEALS

- 12.1** Chief and Council shall hear all appeals with respect to this bylaw at a duly convened meeting.
- 12.2** Chief and Council shall make rules of procedure governing the hearing of appeals and shall keep records of its proceedings.
- 12.3** In any decision involving residency Chief and Council shall give its decision in writing and shall provide reasons for their decision.

13.0 APPEALS PROCEDURE

- 13.1** Within thirty (30) days after the posting of a notice of decision of the Residency/Trespass Bylaw Board in the BCN Band Administration office any resident whose application for residency has been denied or any resident whose residency has been cancelled or any member who has made submissions to the Residency/Trespass Bylaw Board in connection with a residency application or a complaint may appeal the decision of the Residency/Trespass Bylaw Board to Chief and Council by filing a written appeal to Chief and Council which shall contain reasons for the appeal. This right of appeal shall not apply to a resident whose residency has been cancelled under section 8.3
- 13.2** Within thirty (30) days after filing of the appeal, the Chief and Council shall conduct a hearing with respect to the appeal.
- 13.3** At least fourteen (14) days prior to the date of the hearing, Chief and Council shall:
- (a) give written notice to the appellant of the date, time and place of the hearing and shall inform the appellant that he/she shall appear at the hearing, and
 - (b) post in the BCN Band Administration office a copy of the notice of the hearing.
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- 13.4 At the hearing, the Chief and Council shall:
- (a) provide the appellant with an opportunity to present evidence and to make oral or written submissions in support of the appeal, and
 - (b) provide any BCN Member present at the hearing with the opportunity to make submissions with respect to the application.
- 13.5 Chief and Council shall meet in a private meeting to consider the appeal after hearing and reviewing all submissions with respect to the application.
- 13.6 In determining whether an appeal should be allowed, Chief and Council may take into consideration the criteria set out in sections 5.2 and 7.2 herein, the reasons for the denial or termination of the residency by the Residency/Trespass Bylaw Board, submissions from Members of the BCN, and such further and other information as may be determined to be relevant by Chief and Council.
- 13.7 Within ten (10) days after the hearing Chief and Council shall give written notice of its decision to the appellant and shall post a notice of its decision in the BCN Band Administration Office. There shall be no further right of appeal from a decision of Chief and Council

**Part 10
Powers of Enforcement**

14.0 POWERS OF OFFICER & ENFORCEMENT

- 14.1 An officer who finds a person residing on the BCN Reserve who is not a resident in accordance with this bylaw shall order the person to immediately leave the BCN Reserve.
- 14.2 Any person who fails or refuses to comply with an order made under section 14.1 herein commits an offence punishable on summary conviction and may be arrested in accordance with s. 495(2) of the Criminal Code (Canada) and is subject to a fine not more than \$1,000.00 or imprisonment for a term not more than thirty (30) days, or both for having committed an offence.
- 14.3 It is acknowledged and agreed by Chief and Council and the Members of the BCN that an officer as defined in section 2.1 herein, has full and sufficient authority to enforce this bylaw to the best of his / her ability.
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Part 11
Aiding and Abetting

15.0 AIDING AND ABETTING

- 15.1** Any resident who provides shelter or accommodation or any other assistance on the BCN Reserve to a person who has been ordered pursuant to the provisions of this bylaw to immediately leave the BCN Reserve, may have their own right to reside on the BCN Reserve cancelled in accordance with the provisions of this bylaw.

Part 12
General Matters

16.0 GENERAL MATTERS

- 16.1** The right to reside on the BCN Reserve shall not mean that a Member will be provided housing or receive a land allocation. The provision of housing or land shall only be done by a written resolution of Chief and Council or as set out in its adoption of written policies on housing and land use.
- 16.2** A Non-Member who resides on the Reserve shall not participate in the governmental affairs of the Bigstone Cree Nation.
- 16.3** A Non-Member who resides on the BCN Reserve is not entitled to make use of the resources, land or property of the Bigstone Cree Nation for his/her personal profit.
- 16.4** A Non-Member who resides on the BCN Reserve shall keep the peace and respect the customs, bylaws and policies of the Bigstone Cree Nation.
- 16.5** In the event that a Non-Member is in breach of any provision of this Bylaw, the Residency/Trespass Bylaw Board may cancel the Non-Members residency on the Reserve in accordance with this Bylaw.
- 16.6** A person who is not a resident of the BCN Reserve in accordance with this Bylaw shall not be entitled to receive any services or benefits from the Bigstone Cree Nation.

17.0 TREATY RIGHTS

- 17.1** This Bylaw shall be interpreted in accordance with the traditions, customs and values of the Bigstone Cree Nation and nothing in this Bylaw shall be interpreted as to deny, abrogate or derogate any Aboriginal or Treaty rights of the Bigstone Cree Nation or its Members.

18.0 **INVALIDITY**

18.1 If any provision of this Bylaw is determined by the Court to be invalid for any reason the provision shall be severed from the Bylaw and shall not affect the validity of the remaining provisions of the Bylaw.

19.0 **AMENDMENT**

19.1 This Bylaw may be amended by Chief and Council in accordance with the following procedure:

- (a) in the first reading, a draft of the proposed amendment(s) shall be tabled with Chief and Council after which the proposed amendment(s) shall be available to Members of the Bigstone Cree Nation for their information;
- (b) in the second reading, Chief and Council, shall review the proposed amendment(s) on a clause by clause basis and during this period shall consult with the BCN membership as deemed necessary by Chief and Council;
- (c) in the third reading, the proposed amendment(s) shall be voted upon by Chief and Council.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Bigstone Cree Nation this 10 day of July, 2013.

Voting in favour of the Bylaw are the following Members of Chief and Council:



CHIEF

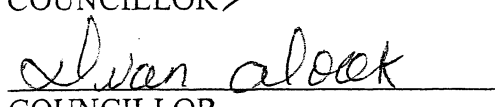


COUNCILLOR



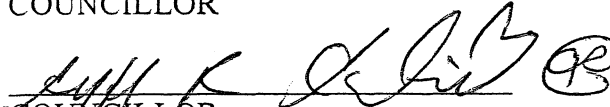
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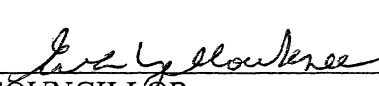


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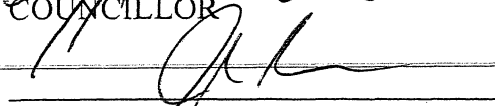
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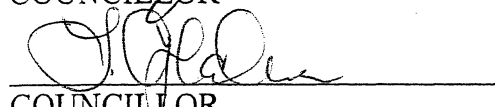


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