

# KATZIE

## FIRST NATION

...Land of the Moss

P: (604)465-8961 | F: (604)465-5949  
19700 Salish Road, Pitt Meadows, BC, V3Y2G1

**Date:** Friday, October 25, 2019

**From:** Katzie Chief Grace George and Council

**Subject:** Katzie Residency By-Law

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Dear Katzie Members,

Please find attached the Katzie Indian Band Residency By-Law #01-1988. This By-Law is registered with the Indigenous and Northern Affairs Canada (INAC) since 1988.

Effective immediately, please be advised that all Non-Katzie Members residing within Katzie (married, common-law or simply a friend) is required to sign a Residency Permit (Undertaking Schedule "A") to Chief and Council to continue residency within Katzie IR #1, 2, 3, 4. This applies to all Katzie Band Land and Certificate of Possession Lands.

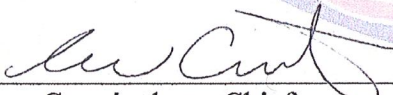
This undertaking/application will be reviewed for approval at the duly convened Chief and Council meeting. Once approved, all residents will receive a residency permit "Schedule B"

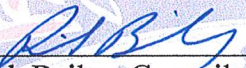
A Non-Katzie resident, who fails to submit the Undertaking will be deemed to be living within Katzie Reserve, IR 1, 2, 3,4 without authority and may be requested to leave immediately.

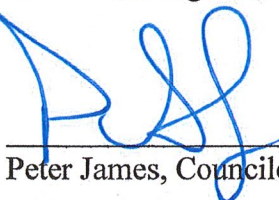
In the event a person is requested to leave, the RCMP will attend to keep the peace and if the person refuses to leave the RCMP will be given permission under this by law to remove the person under this by law.


Must be Submitted by Friday, November 8<sup>th</sup>, 2019

If you have further question, please feel free to contact Chief or Council at your convenience.

  
Grace Cunningham, Chief

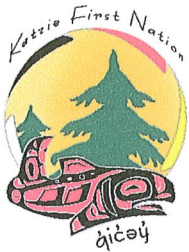
  
Rick Bailey, Councilor

  
Peter James, Councilor

  
David Kenworthy, Councilor







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### RESIDENCY BY-LAW APPLICANT PERSONAL INFORMATION FORM

<u>Applicants Full Name</u> (Last, First, M.I.)		<u>Preferred Name</u>			
<u>Primary Address (Mailing)</u>		<u>City</u>	<u>Province</u>	<u>County</u>	<u>Zip Code</u>
<u>Occupation:</u>		<u>Criminal Check</u> <input type="checkbox"/> YES <input type="checkbox"/> NO			
<u>Gender</u> <input type="checkbox"/> Male <input type="checkbox"/> Female	<u>Birth Date</u> _____ Month Day Year	<u>Marital Status</u> <input type="checkbox"/> Single <input type="checkbox"/> Married	<u>Home / Cell Telephone Number</u> ( ) _____ h ( ) _____ c		
<u>Additional Contact Information</u> Name _____ Address _____ City _____ State / Province _____ Postal Code _____ Country _____ Relationship _____ Cell Telephone ( ) _____ Home Telephone ( ) _____ Work Telephone ( ) _____					
<u>Applicant Signature</u>			<u>Date</u>		

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<b>DATE RECEIVED:</b> _____	<b>RECEIVED BY:</b> _____	<input type="checkbox"/> Approved
<b>APPROVED BY:</b> _____	<b>APPROVED DATE:</b> _____	<input type="checkbox"/> Not Approved
		<input type="checkbox"/> Received Criminal Record



**UNDERTAKNG**  
**Schedule "A"**

**KATZIE FIRST NATION RESIDENCY BY-LAW**

I \_\_\_\_\_ , undertake to maintain the  
peace and tranquility of the Katzie First Nation community and to uphold the  
customs and by-laws of the Katzie First Nation if I am granted a Residency Permit by  
the Katzie Chief and Council.

I will reside at the address listed below:

\_\_\_\_\_  
By my signature below I affirm that I have read and understood the Residency  
By-Law # 01-1988.

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

This \_\_\_\_\_ day of \_\_\_\_\_  
(Month)

20 \_\_\_\_\_

Witnessed by:

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

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

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

\_\_\_\_\_  
(Phone Number)

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



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 B1(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 t e r m 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. 1-6;
- (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. Person sent it led 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 - Bandmembers 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 5th 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