FIRST NATION LEGISLATION

6. Law-Making Powers

Governing Body May Make Laws

6.1 The Governing Body may, in accordance with this Land Code, make Laws respecting:

(a) development, conservation, protection, management, use and possession of First Nation Land;

(b) interests and licences in relation to First Nation Land;

(c) any matter necessary to give effect to this Land Code; and

(d) any matter necessary or ancillary to a Law respecting First Nation Land.

Examples of Laws

6.2 For greater certainty, the Governing Body may make Laws in relation to First Nation Land including:

(a) regulation, control and prohibition of zoning, land use, subdivision control and land development;

(b) creation, regulation and prohibition of interests and licences in relation to First Nation Land;

(c) environmental assessment and environmental protection;

(d) provision of local services in relation to First Nation Land and the imposition of user charges;

(e) provision of services for the resolution, outside the courts, of disputes in relation to First Nation Land;

(f) enforcement of First Nation laws;

(g) regulation, control, authorization and prohibition of residency, access and the occupation of First Nation Land;

(h) authorization and regulation of subdivisions:

(i) conduct of surveys;

(j) setting aside and regulation of parks, parklands, and recreational lands;

(k) setting aside and regulation of heritage lands and sacred sites;

(l) rules and procedures for the receipt, management, expenditure, investment, and borrowing of moneys, and the establishment of administrative structures to manage such moneys;

(m) creation of management and administrative bodies or agencies;

(n) removal and punishment of persons trespassing upon First Nation Land or frequenting First Nation Land for prohibited purposes;

(o) public nuisance and private nuisance;

(p) regulation of sanitary conditions and the provision of sanitary services in private premises and public places;

(q) instruction and maintenance of boundary and internal fences;

(r) instruction, maintenance and management of roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works;

(s) regulation of traffic and transportation; and

(t) fishing sites on First Nation Land.

7. Law-Making Procedure

7.1 The Governing Body will enact Laws under this Land Code in accordance with this Part.

Development of Laws

7.2 Development of a Law may be initiated by:

(a) a Resolution, setting out the specific subject matter of the proposed Law; or

(b) a petition to the Governing Body signed by 30 percent of the Eligible Voters, setting out a request for development of a Law and the intended purpose and specific subject matter of the proposed Law.

Notice

7.3 Upon initiation of a proposed law, the Governing Body will provide notice to the Members of the subject matter of the proposed law and the general nature of the provisions to be included in the proposed Law.

7.4 Notice under section 7.3 will be provided by:

(a) publication of a notice in the First Nation newsletter mailed to Eligible Voters at their last known address; or

(b) by written notice, delivered or mailed to Eligible Voters at their last known address; and

(c) posting of the notice in a public area of the First Nation administration offices.

7.5 Notice under section 7.3 will:

(a) invite written comments from Members on the subject matter and content of the proposed Law; and

(b) specify a date at least 20 days from the date of the notice for Members to provide comments under subsection (a).

Governing Body Shall Consider

7.6 Upon expiry of the time specified under section 7.5(b), the Governing Body will take into consideration any comments received, the needs of the community and other relevant matters and shall prepare a draft Law.

Consideration in Principle

7.7 The Governing Body will table the draft Law at a regular meeting of the Governing Body.

7.8 After considering the draft Law the Governing Body will by Resolution:

(a) accept the draft Law in principle and set a return date for further consideration by the Governing Body;

(b) reject the draft Law; or

(c) direct further work on the draft Law and specify a return date for further consideration by the Governing Body.

Explanation for Rejection

7.9 Upon the request of any Eligible Voter, the Governing Body will explain its reasons for rejecting a draft Law.

Approval by Council

7.10 A Law is enacted if it is approved in writing by a quorum of the Governing Body on a return date set under section 7.8(a) or (c).

Coming into Force

7.11 A Law comes into force on the date of its enactment or such other date as may be specified by the Law.

Urgent Matters

7.12 The Governing Body may enact a Law without notice if the Governing Body is reasonably of the opinion that the Law is required urgently to protect First Nation Land or Members.

7.13 A Law enacted under section 7.12 shall be deemed to have been repealed and to have no force and effect as of 28 days after its enactment, but may be re-enacted in accordance with this Part.

7.14 Notwithstanding the provisions of the Matsqui First Nation Custom Election Regulations and Procedures For purposes of enacting a Law under section 7.12, the quorum for the Governing Body will consist of a seventy-five percent majority of the Governing Body.

8. Publication of Laws

Publication

8.1 All Laws will be published in the minutes of the Governing Body.

Posting Laws

8.2 Within seven days after a Law has been enacted, the Governing Body will post a copy of the Law in the First Nation administration offices.

Registry of Laws

8.3 The Governing Body will cause to be kept, at the First Nation administration offices, a register of Laws containing the original copy of all Laws and Resolutions, including Laws and Resolutions that have been repealed or are no longer in force.

8.4 Any person may, during regular business hours at the First Nation administration offices, have reasonable access to the register of Laws.

Copies for Any Person

8.5 Any person may obtain a copy of a Law or Resolution upon payment of such reasonable fee as may be set by the Governing Body.

8.6 Section 8.5 does not preclude the Governing Body from making copies of a Law or Resolution available to Members without fee.