

METLAKATLA FIRST NATION

LAND USE PLANNING LAW

WHEREAS:

Metlakatla has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

Metlakatla has taken over control and management of Metlakatla Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted Metlakatla *Land Code* effective the 1st day of December, 2016;

Under Metlakatla *Land Code*, Metlakatla Council is authorized to pass various laws relating to lands including laws relating to zoning and land use under section 7 including under subsection 7.2 of the *Land Code*;

Council wishes to implement a law to ensure that the use of land within Metlakatla Lands is regulated to protect the community, Metlakatla Lands and any person holding an interest in Metlakatla Lands from unsustainable or incompatible developments or land uses and to encourage developments and land uses that contribute to the well-being of the community and the environment; and

Metlakatla Members have approved a Land Use Plan dated October 2019;

NOW THEREFORE this Metlakatla First Nation *Land Use Planning Law* is hereby enacted at a duly convened meeting as a Law of Metlakatla.

PART 1. NAME

1.1 This Law may be cited as Metlakatla First Nation *Land Use Planning Law*.

PART 2. PURPOSE

2.1 The purpose of this Law is to promote good, healthy, sustainable and community-oriented land uses of MFN Reserve Lands in accordance with the Land Use Plan approved by Metlakatla Members.

PART 3. WHERE THIS LAW APPLIES

3.1 The provisions of this Law apply to the whole area of MFN Reserve Lands as defined in Metlakatla Land Code.

PART 4. DEFINITIONS

4.1 For the purposes of this Law,
 (a) terms have the same definitions as in the Land Code; and
 (b) the following definitions apply:

“Land Use Plan” means the Metlakatla Land Use Plan dated October, 2019.

PART 5. ADOPTION OF LAND USE PLAN

5.1 The Land Use Plan is hereby adopted and given the force of law.

5.2 All developments, Interests and other land-related plans must comply with the Land Use Plan and be carried out in accordance with the vision, principles and objectives set out in the Land Use Plan.

Non-conforming Uses Conditionally Continued

5.3 Despite subsections 5.1 and 5.2, the lawful use of land or structures that was in place at the time of the passage of this Law may be conditionally continued as a non—conforming use subject to continuation of the use and to any regulations passed under this Law.

PART 6. AMENDMENTS

6.1 Any amendments to the Land Use Plan or this Law will comply with section 12 of the *Land Code* and any applicable Metlakatla laws or regulations.

PART 7. OFFENCES AND PENALTIES

Offences

7.1 It is an offence to contravene this Law.

Enforcement and Cease and Desist Orders

7.2 In addition to any other applicable fine, penalty or remedy, Council, the Director of Lands, or a Law Enforcement Officer may:

- (a) issue a Stop Work Order or a Cease and Desist Order to order any Person who requires a Permit, re-zoning or other authorization under this Law but who has not received it, to cease carrying out any use, activity or development until such time as that Person applies for and receives the required Permit, re-zoning or other authorization; and
- (b) in addition to (a), order that a Premises, or a portion of a Premises, be closed, shut down, sealed off, or otherwise made unavailable for use until such time as there are required Permits, re-zonings or authorizations in place for that Premises.

7.3 An order imposed under subsection 7.2:

- (a) may be registered in Court and enforced as a court order; and
- (b) continues in force until the condition that led to it is remedied or until the activity that is the subject of the order receives the required Permit, re-zoning or authorizations under this Law.

PART 8. GENERAL

8.1 The headings of parts and sections in this Law have been inserted as a matter of convenience and for reference only and in no way define or limit or any of its provisions.

8.2 In the event that all or any part of any section or sections of this Law are found by a

court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.

PART 9. REGULATIONS

9.1 Council may pass any regulations necessary to implement this Law.

PART 10. COMING INTO FORCE

10.1 This Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements of Part 3 of the Land Code.

BE IT KNOWN that this Law entitled Metlakatla Land Use Planning Law is hereby enacted by a quorum of Council at a duly convened Council of Metlakatla held on November 16, 2019.

WJF
~~November 16~~
December

A quorum of the Governing Council consists of four (4) members of the Governing Council.



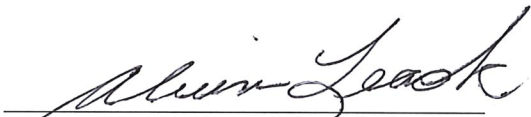
Chief Harold Leighton



Councillor Miranda Leighton



Councillor Alrita Leask



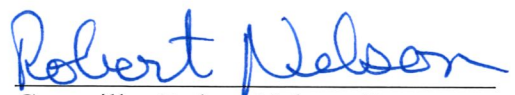
Councillor Alvin Leask, Jr.



Councillor James Nelson, Sr.



Councillor Darci Archer



Councillor Robert Nelson, Sr.