KATZIE FIRST NATION
SUBDIVISION, DEVELOPMENT AND SERVICING LAW

Enacted on _____

DEPOSITED IN THE REGISTRY OF LAWS

ON 7 / 11 / 2019
(Day/Mo/Year)

_____
Signature of Law Clerk

Draft for Enactment dated: October 24, 2019

TABLE OF CONTENTS

PREAMBLE **2**

PART 1 – CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION **2**

Citation 2
Application 2
Definitions 2
Severability 4
Validity 4

PART 2 – ADMINISTRATIVE PROVISIONS **4**

Delegation 4
Lands Department 4

PART 3 – GENERAL DEVELOPMENT REQUIREMENTS **4**

Prohibited Activities without Authorization 4
Exemptions 5
Approving Requirements as Schedules 7

PART 4 – APPLICATION FOR AUTHORIZATION **7**

Applying for an Authorization 7
Concurrent Applications 8
Costs 9
Application Review 9
Lands Committee review 10
Council decision 11
Community Approval 11
Extending Authorization 12
Soil or Fill Authorization – Concurrent Application 12
Issuing instrument demonstrating Authorization 12
General principles to be considered in reviewing applications 12
Examples of recommendations, terms or conditions 13
Streamlined Review 14

PART 5 – ENFORCEMENT **15**

Suspending or Revoking an Authorization 15
Authority of Enforcement Officers 15
Warrants 17
Copying and removal of documents and objects 18

PART 6 – OFFENCES AND PENALTIES **18**

Offences 18
Penalties 19
Liability 19

PART 7 – REGULATIONS **20**

Regulations 20

PART 8 – GENERAL **21**

Delivery 21

Coming Into Force.....21

PREAMBLE

WHEREAS:

A. Katzie First Nation 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;

B. Katzie First Nation has taken over control and management of Katzie Land and resources pursuant to the *Framework Agreement on First Nation Land Management* and approved the Katzie First Nation Land Code to take effect March 29, 2017;

C. Under section 6 of the *Land Code*, Katzie First Nation Council is authorized to enact various laws relating to lands, including laws relating to the development, conservation, protection and management of Katzie Land;

D. Under section 23.3 of the *Land Code*, Council may authorize the Lands Director (replacement title for the Lands Manager) as a delegate of Council in the granting of an Interest of Licence in Katzie Land; this Law serves as Council's delegation of this authority;

E. Council wishes to regulate development on Katzie Land.

PART 1– CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

Citation

1. This Law may be cited as the Katzie First Nation Subdivision, Development and Servicing Law.

Application

2. (1) Subject to subsection (2), this Law applies to all Katzie Land.

(2) This Law binds the Katzie First Nation government.

Definitions

3. (1) In this Law:

"Authorization" means a written authorization issued under the following provisions in a form approved by Council

(a) section 20 to carry out any of the activities identified under section 8(1),

(b) section 23(1) to install, construct, alter, repair, remove or demolish a dock;

"building" includes a structure;

"B.C. Building Code" means the British Columbia Building Code established under the *Building Act* (British Columbia) or related legislation;

"Contamination" means the presence of substances on Katzie Land that exceed applicable standards contained in the *Contaminated Sites Regulation* or that exceed the applicable standards in a Katzie Law related to contamination;

"Enforcement Officer" means any person appointed by Council, from time to time, to ensure compliance with Laws enacted by Council, and includes any delegate, the RCMP and any peace officer;

"Fill" means any solid or liquid materials added to or existing in combination with Soil;

"Interest Holder" means

(a) the holder of an interest in Katzie Land, and

(b) a Person who is authorized in writing to act on behalf of a person under paragraph (a);

"General EA Requirements" means the General Requirements for Environmental Assessments on Katzie Land at Schedule "A";

"General Engineering Requirements" means the General Engineering Requirements for Development on Katzie Land at Schedule "B";

"Katzie Land" has the same meaning as the defined term "the Nation's Land" in the Land Code;

"Land Code" means the *Katzie First Nation Land Code*;

"Lands Department" means the Katzie First Nation Lands Department or the Katzie First Nation administrative department that has responsibility over lands-related matters;

"Lands Director" means the Katzie First Nation Lands Director, or a replacement staff position assigned with the responsibilities provided at section 18 of the Land Code;

"Place" means

(a) a dwelling,

(b) a building or structure or any part of a building or structure other than a dwelling, or

(c) a vehicle, vessel, or trailer;

"Polluting Substance" means a substance that, if added to a water body, is likely to degrade or alter or form part of a process of degradation or alteration of the physical, chemical or biological conditions of the water body to an extent that is detrimental to its use by plants, animals and humans;

"Registered Professional" has the same definition as in the *British Columbia Building Code*;

"Soil" means topsoil, silt, clay, sand, gravel, rock, peat, compost, or other substance of which natural land is composed;

"Soil and Fill Law" means the Katzie First Nation Soil and Fill Law.

(2) For the purposes of this Law, terms have the same definitions as in the Land Code.

(3) The interpretation provisions under sections 2.2 and 2.3 of the Land Code apply to this Law.

(4) Unless otherwise provided in this Act, a reference to "day" or "days" means calendar days.

Severability

4. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

5. Nothing under this Law must be rendered void or invalid by

(a) an error or omission in a notice, form, permit or other document given or authorized under this Law; or

(b) a failure of Katzie First Nation, a Katzie First Nation official or their delegate to do something within the required time.

PART 2 – ADMINISTRATIVE PROVISIONS

Delegation

6. Council may authorize the Lands Director by Resolution to assign the performance of any duties of the Lands Department under this Law to any Katzie First Nation officer, employee, contractor or agent.

Lands Department

7. The duties of the Lands Department provided in this Law will be supervised by the Lands Director.

PART 3 – GENERAL DEVELOPMENT REQUIREMENTS

Prohibited Activities without Authorization

8. (1) Subject to the exemptions at section 9, a Person must not undertake any of the following activities on Katzie Land except in strict compliance with an Authorization and any other

applicable land use plan, environmental management plan, Laws and provincial and federal enactments:

(a) the subdivision of Katzie Land;

(b) the construction, alteration, installation, repair, removal, demolition or renovation of a building or other structure, including for certainty, signs, trailers, swimming pools, and docks;

(c) the installation of a street, intersection, sewer system, water system or other infrastructure;

(d) the clearing, grading, blasting, excavating or other alteration of Katzie Land, including removing trees; and

(e) other activities designated by Council in a regulation.

(2) A Person must not remove Soil or transport or deposit Soil or Fill except in compliance with the Soil and Fill Law.

Exemptions

9. (1) Subject to this section, a Person with an Interest or Licence in the parcel of Katzie Land, or who has written permission from the holder of the Interest or Licence, upon which any of the following activities is proposed, does not require an Authorization if the activity complies with the relevant standards provided in the B.C. Building Code, any approved land use plan and all other applicable Laws and provincial and federal enactments:

(a) the construction, alteration, repair, removal, demolition or renovation of the following:

(i) subject to subsection (7), a non-residential building or structure having a footprint of less than 18.5 m2 (approximately 200 square feet), which may include a garden shed, boatshed, a sweat lodge or a smoke house,

(ii) an unenclosed, non-roofed sundeck or patio deck less than 0.6 metres (2 feet) above grade,

(iii) a trail, driveway, or internal road for a single family residential site on which the internal road or driveway is located entirely on a single parcel of land;

(b) non-structural alterations or repairs of a building;

(c) landscaping and minor yard work that does not require an excavation deeper than 0.45 metres (1.5 ft) or the deposit of more than 10 m3 of Soil if the removal or deposit of Soil complies with the Soil and Fill Law;

(d) the removal of trees that complies with the following, and would not result in the clearing of more than 10% of the trees from the individual parcel:

(i) removing a maximum of seven trees of 50 cm (1.64 ft) diameter or less measured at 1.4 metres (4.6 ft) height, or

(ii) removing a maximum of four trees of 50 cm (1.64 ft) diameter or greater measured at 1.4 metres (4.6 ft) height;

(e) the installation of a recreational trailer if such trailer is not, or will not be used as a permanent residence and does not have a hook-up or a connection to services;

(f) the installation of a storage trailer or temporary structure if the trailer or structure

(i) is not used as a permanent residence and does not have a hook-up or a connection to services;

(ii) is installed on any parcel of Katzie Land for no more than three months in a calendar year, and

(iii) is not placed or stacked on top of another storage trailer or temporary structure;

(2) To qualify for an exemption under subsection (1), the instrument granting the Interest or Licence in the parcel of Katzie Land upon which an activity is proposed must not prohibit the proposed activity.

(3) Despite subsections (1) and (2), Council may by Resolution authorize dyking, erosion control, flood protection, tree removal or any other activity for which an Authorization is required under this Law, if

(a) Council has determined that such activity is urgently and immediately necessary to prevent loss of life or damage or injury to people or property; and

(b) any necessary contact is first made with BC One Call, or other service that replaces BC One Call with respect to the location of underground lines.

(4) The Katzie First Nation government is deemed to have an Interest or Licence in Community Land.

(5) An activity does not qualify for an exemption under subsection (1) if the proposed activity involves the likely release of Contamination or a Polluting Substance into a water body.

(6) In addition to the qualification under subsection (5), the following proposed activities do not qualify for an exemption under subsection (1) if the activities will be carried out within 30 metres of a water body:

(a) an activity described at subsection (1)(a); and

(b) any non-structural alterations or repairs to the exterior of a building with the exception of painting.

(7) To qualify for an exemption under subsection (1)(a)(i), the construction of a building or structure that will be used as a sweat lodge or a smoke house must:

(a) be located a minimum of 15 m from any building, structure, overhead wires or cables and forested area; and

(b) have a water hose, connected to an available water supply and a shovel adjacent to the building or structure.

Approving Requirements as Schedules

10. (1) Council may approve requirements as a schedule to this Law imposing additional conditions on development on Katzie Land.

(2) A requirement approved by Council and added as a schedule to this Law under subsection (1)

(a) has the force of Law; and

(b) must not be approved except in accordance with section 7 of the Land Code and, if the schedule relates to a matter listed in paragraph 11.1 (a) through (g) of the Land Code, in accordance with subsection 11.1 of the Land Code.

(3) For certainty, requirements approved as a schedule to this Law under this section will apply to subject matter beyond the scope of this Law if specified in a Katzie law, regulation or policy.

PART 4 – APPLICATION FOR AUTHORIZATION

Applying for an Authorization

11. (1) Every Person applying for an Authorization to carry out an activity described in section 8(1) must submit an application to the Lands Department in the form specified by Council with any supporting documents and information that demonstrates the following:

(a) compliance with any approved land use plan, zoning regulation or environmental management plan;

(b) compliance with the provisions of the General Engineering Requirements that the Lands Department advises are applicable to the activity;

(c) compliance with the General EA Requirements;

(d) compliance with any additional requirements set out as a schedule to this Law;

(e) compliance with the relevant standards provided in the B.C. Building Code;

(f) if the applicant proposes to subdivide Katzie Land, a survey of the proposed subdivision prepared by a certified CLSR surveyor; and

(g) compliance with directions from Registered Professionals.

(2) An application under subsection (1) must include:

(a) the name, address, phone number, incorporation number (if applicable) of the Person seeking to undertake the proposed activity;

(b) the address and the legal description of the land upon which the applicant seeks to undertake the proposed activity;

(c) confirmation that the applicant holds an Interest or Licence in the applicable parcel of Katzie Land, or written documentation from the holder of the Interest or Licence authorizing the application;

(d) a description of the proposed activity, including duration of any construction, alteration, repair, removal or demolition or other undertaking, and the potential impacts to the land and adjacent residents;

(e) if the proposed activity consists of the installation or construction of a dock, an indication of whether the applicant plans to stop using an existing dock if the application is successful;

(f) a copy of any additional approvals required for the proposed activity except for an approval for which the applicant is applying concurrently under section 12;

(g) an acknowledgement that the applicant must allow access to individuals designated by Council or by a Law to monitor compliance with the conditions set out in an Authorization;

(h) a signed document releasing and indemnifying Katzie First Nation against any claims in relation to the activity for which the Authorization is being sought and the land upon which the activity will be undertaken; and

(i) the fee specified by Council, which may include fees associated with retaining engineers or other Registered Professionals to review the application.

(3) An applicant must provide any additional information and documents that are requested by the Lands Department, the Lands Committee or Council.

Concurrent Applications

12. (1) If an applicant's proposed activity involves the removal of Soil or the transport or deposit of Soil or Fill requiring an authorization under the Soil and Fill Deposit Law, the applicant may apply for an authorization under the Soil and Fill Law concurrently with their application for an Authorization under this Law.

(2) In the case of concurrent applications:

(a) all fees payable under both Laws are due at the time of application; and

(b) the applicant is required to provide completed applications under both laws.

Costs

13. A Person applying for an Authorization under section 11 is responsible for all costs involved with the following:

(a) completing and submitting the application;

(b) complying with the terms of the Authorization and this and other applicable Law; and

(c) commissioning all information, conducting studies, retaining professionals, and all other costs associated with Katzie's review of the information and studies provided by the applicant.

Application Review

14. (1) As soon as practicable after receiving a complete application and the applicable fee under section 11, the Lands Department must facilitate a review of the application in accordance with this section.

(2) The Lands Department will proceed with the steps set out at subsection (4) for an application that

(a) complies with the requirements at section 11;

(b) complies with any applicable land use plan, environmental management plan, Law or with applicable federal, provincial and municipal laws and standards; and

(c) if the applicant is a corporation, the corporation is in good standing in accordance with the rules of applicable corporate registry and is eligible to do business in British Columbia.

(3) The Lands Department will advise an applicant that their application does not qualify for further review with reasons if the application fails to comply with subsection (2).

(4) For an application that complies with subsection (2), the Lands Department will carry out the following within a reasonable time after the Lands Department has completed its review:

(a) conduct a streamlined review in accordance with section 23 for

(i) an application to install, construct, alter, repair, remove or demolish a dock, or

(ii) any other application to carry out an activity requiring an Authorization for which the Lands Department, in accordance with any applicable Katzie policies, determines is a sufficiently minor undertaking that would not warrant a full review described under paragraph (b);

(b) for all other applications that do not qualify under paragraph (a),

(i) circulate the application and all relevant information and documents to Katzie First Nation administration for comment;

(ii) for applications for subdivisions, multi-family structures or significant changes in use or increases in density, refer the application to all adjacent Interest holders on Katzie Land for comment; and

(iii) if appropriate, refer aspects of the application to adjacent municipalities for comment.

(5) The Lands Department will determine the length of the review period applicable to Katzie First Nation administration and adjacent municipalities under subsection (4)(b) based on the complexity of the activities proposed in the application.

(6) As soon as practicable following the close of the review period determined under subsection (5), the Lands Department will provide to the Lands Committee the application and all relevant information and documents, including any comments received under subsection (4)(b).

Lands Committee review

15. (1) Within a reasonable time of receiving the application and related materials under section 14(6), the Lands Committee must:

(a) review the application, all relevant information and documents and any comments received under section 14(4)(b);

(b) account for the general principles and factors provided at section 21, all applicable information, documents and any comments received under section 14(4)(b); and

(c) make a recommendation to Council on whether the application should be approved or rejected with written reasons.

(2) If the Lands Committee recommends that Council approve the application, their recommendation

(a) must specify the date the Authorization should expire; and

(b) may include terms and conditions to be imposed on the Authorization.

(3) Without limiting the generality of the Lands Committee's discretion to make a recommendation under subsection (1), the Lands Committee's recommendation may include or relate to the items provided at section 22.

(4) At any time prior to making a recommendation to Council under this section, the Lands Committee may request further information including plans, reports, or other relevant material from the applicant.

(5) The Lands Committee will determine whether any new information submitted by the applicant under subsection (4) should be the subject of review and comment under section 14(4)(b).

Council decision

16. (1) Within a reasonable time following its receipt of the Lands Committee's recommendation under section 15(c), the Lands Department will forward the recommendation to Council with the following:

(a) the application;

(b) all relevant information and documents; and

(c) any comments received under section 14(4)(b).

(2) Subject to a regulation made under section 17, within a reasonable time following their receipt of the materials provided under subsection (1), Council must

(a) account for the principles and factors provided at section 21, all applicable information, documents and any comments received under subsection (1); and

(b) decide whether to approve or refuse to approve the application supported with written reasons.

(3) Council may approve an application with any reasonable terms or conditions that may include or relate to the items provided at section 22.

(4) Council's approval under subsection (2) must specify the date the Authorization will expire.

(5) Council must provide notice of their decision under subsection (2) in writing to the Lands Department, which must include, if applicable, any terms or conditions of Council's Authorization.

Community Approval

17. (1) Council may, by Regulation, designate an activity or class of activity as requiring approval by a majority of Eligible Voters before Council may exercise its authority under section 16(2).

(2) A Regulation made under subsection (1) must provide

(a) the process under which Katzie First Nation will consult with and seek the approval of Eligible Voters; and

(b) whether a minimum quorum of Eligible Voters must be attained for the vote to have effect.

Extending Authorization

18. The Lands Department may extend the date upon which an Authorization will expire to accommodate a delayed construction schedule or other reasonable circumstances if the activity sanctioned by the Authorization will not change in any way.

Soil or Fill Authorization – Concurrent Application

19. Despite any other provision in this Law, Council must not issue an Authorization to an applicant for an activity that involves the removal of Soil or the transport or deposit of Fill requiring an authorization under the Soil and Fill Law unless the applicant has met the requirements imposed under that law.

Issuing instrument demonstrating Authorization

20. Following the Lands Department's receipt of Council's decision under section 16, the Lands Department must do either of the following in accordance with Council's direction:

(a) issue a permit or other form of Authorization to the applicant that shows all applicable terms or conditions, and which must include the date the Authorization expires; or

(b) notify the applicant that the application has been refused with a copy of Council's written reasons.

General principles to be considered in reviewing applications

21. In addition to any other considerations set out in this Law and other applicable enactments, the following general principles and factors must be considered by the Lands Committee and Council when considering an application for an Authorization under this Law:

(a) the promotion of health, safety, convenience and welfare of Members and of Interest Holders, residents, occupants of Katzie Land;

(b) the promotion of economic development;

(c) the well-planned and orderly development of Katzie Land and the preservation of amenities and special features of Katzie Land;

(d) compliance with any applicable land use plan and other Katzie First Nation enactments and with applicable federal, provincial and municipal laws and standards;

(e) environmental protection and enhancement and the need for land to be free from Contamination prior to any new development;

(f) deterrence of invasive species;

(g) flood plain measures;

(h) use of renewable energy sources;

(i) adherence to Katzie First Nation housing policies;

(j) the provision of community benefits and the development of community amenities;

(k) the protection and enhancement of cultural and heritage sites;

(l) compatibility with Katzie First Nation culture;

(m) viewscapes, aesthetics and visual qualities;

(n) the provision of adequate parking, access and emergency access;

(o) the character of the proposed activity or project in relation to the character of the zone, neighbourhood, and the existing buildings in the area;

(p) the conservation of property values;

(q) the potential impacts on adjacent users, Interest Holders and occupants;

(r) the development of the zone, neighbourhood and Katzie Land in a manner that contributes to the economic, environmental, cultural and community health of Katzie First Nation, Members and the occupants of Katzie Land;

(s) any information provided and any Authorizations granted by Katzie First Nation, including any terms or conditions, in relation to the same project or the same lands; and

(t) any other factors which may have an impact on the community or Katzie Land.

Examples of recommendations, terms or conditions

22. (1) The following may form the basis for a Lands Committee recommendation under section 15(c) or Council's terms or conditions on an Authorization under section 16(3):

(a) relating to the general principles set out at section 21;

(b) posting of bonds, irrevocable letters of credit or other form of security, and the necessary percentage or amount;

(c) maintaining insurance with coverage and other terms considered adequate by Council;

(d) dedication of up to 5% of the applicable land for parks, greenspace or community use, or a cash donation in lieu of a land dedication;

(e) preferred lot reconfigurations to ensure viable subdivisions;

(f) construction, alteration, repair, removal or demolition of intersections, access and emergency access routes;

(g) construction, alteration, repair, removal or demolition of parking spaces;

(h) construction, alteration, repair, removal or demolition of sidewalks and bicycle paths;

(i) purchase and installation of street and park lights;

(j) completion of servicing agreements with adjacent municipalities;

(k) provision of updated plans, reports or studies, including as-built drawings after the completion of the development or project;

(l) requirements for staging or sequencing of the development or project including requirements for interim reports;

(m) set-backs or buffers including from property lines and environmental features;

(n) mitigation measures incorporating flood plain requirements, erosion control, sediment control, or remediation of any existing Contamination on the applicable site;

(o) a certain percentage of energy required for building and operation of the development or project be powered by renewable energy sources;

(p) noise and dust prevention; and

(q) any other relevant measures.

(2) For certainty, Council may require an applicant to comply with a term or condition imposed under subsection (1) before the applicant may commence the activities allowed in the Authorization.

Streamlined Review

23. (1) For an application that meets the requirements provided at section 14(4), the Lands Department may, after making necessary enquiries and consulting with Katzie administration, approve an application and issue a permit or other form of Authorization for the following activities:

(a) to install, construct, alter, repair, remove or demolish a dock; or

(b) to carry out an activity determined by the Lands Department to be a sufficiently minor undertaking in accordance with section 14(4)(a)(ii).

(2) The Lands Department may approve the application with any reasonable terms or conditions.

(3) Without limiting the Lands Department's discretion to impose terms or conditions under subsection (2), for an application that provides that, if the installation or construction of a new dock is authorized, an existing dock will no longer be used, the Authorization must include a term or condition that the old dock be safely decommissioned or demolished in accordance with federal and provincial standards.

(4) Nothing in this section limits the Lands Department's discretion to require the application be reviewed in accordance with the process for all other applications described at section 14(4)(b).

PART 5 – ENFORCEMENT

Suspending or Revoking an Authorization

24. (1) In addition to any other remedies or penalties under this Law, or any other applicable enactments, Council may, with reasonable cause and after giving notice to the holder of an Authorization,

(a) suspend the Authorization until the corrective measures specified by Council are implemented; or

(b) revoke the Authorization.

(2) Upon suspending or revoking an Authorization under subsection (1), Council may restrict a Person from holding an Authorization for up to three years for reasonable cause.

(3) Without limiting the interpretation of reasonable cause under subsections (1) or (2), the following may serve as grounds to suspend or revoke a Person's Authorization or restrict a Person's eligibility to hold an Authorization:

(a) the Person is convicted of any offence under any applicable enactment relating to the activity for which they are authorized, or with respect to the land identified in the Authorization; or

(b) the Person has ceased to meet the lawful requirements to carry on the activity for which they are authorized or relating to the land identified in the Authorization.

Authority of Enforcement Officers

25. (1) Subject to a Law or a Resolution that addresses enforcement powers of individuals appointed to enforce a Law, and without limiting an Enforcement Officer's powers at law, an Enforcement Officer is authorized to do the following for the purpose of ensuring compliance with this Law:

(a) issue compliance notices;

(b) issue tickets;

(c) laying of informations and serving summonses pursuant to the summary conviction process in the *Criminal Code of Canada;*

(d) at any reasonable time, enter

(i) land or unoccupied premises, or

(ii) a dwelling

1. with the consent of the occupier, or

2. if authorized by a Law or, subject to section 26, a warrant issued by a court of competent jurisdiction;

(e) in a manner that is consistent with enforcement measures under federal legislation and subject to sections 26 and 27, make any reasonable inspection, investigation or inquiry necessary to determine if this Law, or a compliance notice, order or other instrument issued under this Law, has been complied with or contravened, or an offence is being committed or has been committed;

(f) without limiting the interpretation of paragraph (e) and subject to section 27, an Enforcement Officer may:

(i) inspect, analyze, measure, sample or test land, and any article or substance located on or in the land,

(ii) take away samples of land, articles or substances,

(iii) examine and take away copies of records relating to any matter governed by this Law,

(iv) take photographs or make audio records,

(v) with the consent of the occupier or if authorized by a Law or warrant,

1. inspect, analyze, measure, sample or test any article or substance located in a dwelling,

2. seize and remove anything that the Enforcement Officer has reasonable grounds for believing is evidence of an offence, and

3. take other actions as consented to by the occupier, or authorized in a Law or warrant;

(g) direct or require that the Authorization-holder take certain measures or meet certain conditions to ensure compliance with this Law or an Authorization, including, without limiting the generality of the Lands Director or an Enforcement Officer's authority, terms and conditions for traffic control, and to prevent injury, harm, nuisance, or damage to the public, property, or the environment, including terms and conditions dictating the remediation or restoration of the land;

(h) issue a stop work order to order any Person who has not received full and proper Authorization under this Law to cease carrying out any activities prohibited under section 8, which includes for certainty, carrying out activities if the Person's Authorization is suspended or was revoked under section 24;

(i) without limiting the generality of an Enforcement Officer's authority under paragraph (g), order any of the following to occur within 30 days:

(i) buildings, other structures or installations, or parts of them, that are constructed, altered or installed in violation of this Law or an Authorization be removed;

(ii) the applicable parcel of land be remediated or restored to standards satisfactory to Council to address any structural damage, the creation of a potential hazard or environmental risk, or the introduction of Contamination on the land;

(j) provide to an authorized prosecutor information sufficient to initiate the prosecution of an offence;

(k) subject to Council's authorization, take down or remove any building or structure from Katzie Land that contravenes this Law; and

(l) perform any other duties and exercise any other powers assigned or delegated to the Enforcement Officer

(i) under this Law, or

(ii) by Council.

(2) A stop work order imposed under subsection (1)(h) may be registered in court and enforced as a court order and continues in force until the condition that led to it is remediated or until the activity that is the subject of the stop work order receives an Authorization under this Law.

(3) If a Person fails to comply with an order under subsection (1)(i) within 30 days, Council may order the following be carried out at the Person's expense:

(a) buildings, other structures or installations, or parts of them, be removed; or

(b) remediation or restoration of the land to standards satisfactory to Council.

(4) For certainty, an Enforcement Officer, acting in the performance of a duty or in the exercise of a power under this Law, may enter and pass over any Katzie Land without being liable for trespass but is liable for damages to the land resulting from his or her activities.

(5) Subsection (4) applies to any person who is assisting an Enforcement Officer.

Warrants

26. (1) On an Enforcement Officer's application made without notice, a justice of the peace may issue a warrant authorizing an Enforcement Officer to enter and search a Place and examine anything that is relevant to determining compliance with this Law if the justice of the peace is satisfied that the Enforcement Officer has been properly appointed and that there are reasonable and probable grounds for believing that something relevant to the investigation is at the Place.

(2) A warrant issued under subsection (1) does not authorize an entry or search after sunset or before sunrise unless it is expressly stated in the warrant.

(3) An Enforcement Officer entering and searching a Place under the authority of a warrant issued under subsection (1) may be assisted by a peace officer and may enter a place by force.

Copying and removal of documents and objects

27. (1) An Enforcement Officer may copy or, subject to subsection (2), remove a document, record or thing examined under section 25(1)(e) or under the authority of a warrant under section 26 at Katzie First Nation's expense.

(2) An Enforcement Officer may only remove a document, record or thing under subsection (1) if

(a) it is not practicable to copy it in the Place where it is examined; or

(b) a copy of it is not sufficient for the purposes of the investigation.

(3) In order to examine or produce a document or record in readable form, an Enforcement Officer may use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the Place in which he or she is conducting the investigation.

(4) If it is practicable to copy a document, record or thing removed under subsection (1), the Enforcement Officer must,

(a) if it was removed under subsection (a), return the document, record or thing within a reasonable time; or

(b) if it was removed under subsection (b), provide the person who was in possession of the document, record or thing with a copy of it within a reasonable time.

(5) A copy of a document, record or thing certified by an Enforcement Officer to be a true copy must be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document, record or thing itself.

PART 6 – OFFENCES AND PENALTIES

Offences

28. A Person who does any of the following commits an offence:

(a) provides false or misleading information in order to obtain an Authorization under this Law;

(b) carries out an activity prohibited under this Law without having first received a valid Authorization;

(c) neglects or refrains from doing anything required to be done pursuant to the provisions of this Law;

(d) otherwise contravenes this Law; or

(e) obstructs, interferes with or denies access onto any land or into any building to an Enforcement Officer whose entry is authorized under this Law.

Penalties

29. (1) A Person who commits an offence or who contravenes this Law, an Authorization, or an order made by a court in relation to this Law is guilty of an offence and liable on summary conviction to a fine of not more than $5,000 or to imprisonment for a term of not more than three months, or to both.

(2) Where any contravention of this Law is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

(3) A fine payable under subsection (1) must be remitted to Katzie First Nation by the court, after reasonable court costs have been deducted.

(4) Despite subsection (1), Council may also authorize the Lands Director, an Enforcement Officer or a designated official to issue a ticket or violation notice to impose a sanction or fine for contraventions of this Law.

(5) Outstanding monetary penalties or fines are recoverable by Katzie First Nation as a debt due to it.

(6) Subject to a Katzie First Nation land registry law or enforcement law and without limiting the application of subsection (5), Katzie First Nation may register a debt instrument for any debt owing under subsection (5) against the applicable parcel of Katzie Land in the First Nations Land Registry.

(7) The Person named in a debt instrument registered on a parcel of Katzie Land in the First Nations Land Registry may not transfer any interest or licence in the parcel until

(a) the Person pays to the Katzie First Nation the debt amount; and

(b) Katzie First Nation authorizes the discharge of the debt instrument from the applicable parcel.

Liability

30. (1) The granting of an Authorization does not

(a) constitute evidence that the applicable activity is valid or legal; or

(b) create any liability on behalf of the Katzie First Nation.

(2) The refusal to grant an Authorization does not create any liability on behalf of the Katzie First Nation.

(3) The following parties are jointly and severally liable for any structural damage, for creating a potential hazard or environmental risk, or for introducing Contamination on a parcel of land in connection with an Authorization or a matter regulated under this Law:

(a) the Authorization-holder;

(b) the holder of the Interest or Licence in the applicable parcel of land; and

(c) any other Person who causes or contributes to the structural damage, potential hazard, environmental risk or the introduction of Contamination on the land.

(4) Further to section 25(3)(b), if a Person is liable under that section and does not remediate or restore the land to standards satisfactory to Council, the Person is responsible for the cost of any remedial work and restoration, any related expenses, and administrative and professional fees and costs that may be incurred by Katzie First Nation remediating or restoring the site and any sites adjacent to the applicable parcel of land, including land located outside Katzie Land.

31. No person, including without limitation, Council, members of Council, employees of the Katzie First Nation government, a volunteer and any other person appointed, authorized or required to carry out measures relating to an emergency or disaster pursuant to subsection 9(3), is liable for any loss, cost, expense, damage or injury to persons or property that results from:

(a) the person in good faith doing or omitting to do anything that the person is appointed, authorized or required to do under this Law, unless, in doing or omitting to do the act, the person is grossly negligent; or

(b) any acts done or omitted to be done by one or more of the persons who, under this Law, were appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

PART 7 – REGULATIONS

Regulations

32. (1) Council may make any regulations it considers necessary or advisable for purposes under this Law.

(2) For certainty, the powers of Council under subsection (1) include the power to make regulations:

(a) respecting the form and content of applications, notices, reports, permits, Authorizations and other documents that are required or permitted under this Law;

(b) prescribing consultation and public input requirements in respect of applications provided for in this Law;

(c) defining words and expressions that are used but not defined in this Law; and

(d) generally for the purpose of giving effect to this Law.

PART 8 – GENERAL

Delivery

33. (1) A copy of an order or notice made under this Law may be delivered in any of the following ways:

(a) in person;

(b) by leaving a copy of the order or notice with a person who appears to be at least 16 years of age at the actual or last known address of the addressee;

(c) by posting a copy of the order prominently on a door of a building at the actual or last known address of the addressee; or

(d) by mailing a copy of the order to the actual or last known address of the addressee.

(2) A copy of an order or notice delivered under subsection (1) is presumed to have been received by the addressee on the fifth (5th) day after mailing.

Coming Into Force

34. This Law comes into force on the date it is passed by Resolution after complying with section 7 of the Land Code.

THIS LAW IS HEREBY DULY ENACTED by Council on the 7th day of November 2019, at Pitt Meadows, in the Province of British Columbia.

Quorum for Council is 3

Chief Grace George

Councillor Rick Bailey

Councillor Peter James

Councillor David Kenworthy