

5 Description of First Nation land

First Nation land

1. The First Nation land that is subject to this Land Code is the Indian Reserve known as Reserve #44.

Additional lands

2. Additional lands or interests acquired by the First Nation after this Land Code takes effect, whether by land claim, purchase or other process, may be made subject to this Land Code after an environmental audit certifies that it is free of environmental hazard and safe for community use.

Inclusion of land or interest

3. When the relevant conditions in sections 5.2 are met, the Council shall call a meeting of members under Section 11 and after receiving their input, may by enacting a law declare the land or interest to be subject to this Land Code.

PART 2 FIRST NATION LEGISLATION

6 Law-Making Powers

Council may make laws

1. The Council may, in accordance with this Land Code, make laws respecting the development, conservation, protection, management and administration, use and possession of First Nation lands, and interests and licences in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation to First Nation land.

Examples of laws

2. The following examples illustrate some of the laws that may be enacted:
 - (a) laws on the regulation, control and prohibition of zoning, land use, subdivision control and land development;
 - (b) laws on the creation, regulation and prohibition of interests and licences in relation to First Nation land;
 - (c) laws on environmental assessment and protection;

- (d) laws on the provision of local services in relation to First Nation land and the imposition of equitable user charges;
- (e) laws on the provision of services for the resolution, outside the courts, of disputes in relation to First Nation land;
- (f) laws that the Council deems necessary to maintain order and good governance within the First Nation relating to its lands; and
- (g) laws regarding emergencies and protection.

Community participation

- 3. (a) Any land use plan will be developed by the community and must receive the consent of the eligible voters at a community meeting of members in accordance with section 13.
- (b) The Council will establish a committee of community members to consult with the membership on the development of the land use plan for community land. The land use plan will be ratified by receiving the consent of eligible voters at a community meeting of members in accordance with section 13.

7 Law-Making Procedure

Introduction of laws

- 1. A proposed law may be introduced at a duly convened meeting of the Council by
 - (a) the Chief or a Councillor;
 - (b) the representative of any body or authority composed of members that may be authorized by Council to do so; or
 - (c) any eligible voter following protocol for addressing Council, who is submitting an application signed by at least 40 eligible voting members.

Tabling and posting of proposed laws

- 2. Before a proposed law may be enacted by the Council,
 - (a) it must first be tabled at a meeting of the Council held at least sixty (60) days before the law is to be enacted;
 - (b) it must first be posted in public places on First Nation land and distributed to eligible voters, at least sixty (60) days before the law is to be enacted; and
 - (c) within a timeframe set by Council that reasonably reflects the complexity of the proposed law, the Land Laws Advisory Committee shall prepare a report to Council on the proposed law, which sets out:

- (i) the history behind the proposed law;
- (ii) any potential interaction between the proposed law and any existing law of the First Nation;
- (iii) any potential interaction between the proposed law and any other Land Law that is not yet enacted but it is in the process of research or development;
- (iv) the mischief of issue that the proposed law is designed to remedy;
- (v) any other information requested by Council; and
- (vi) the Land Law Advisory Committee's recommendations to Council as to the necessity, scope, substance and form of the proposed law.

Emergency matters

3. The Council may enact a law without the preliminary steps required under section 7.2, if the Council is of the opinion that emergency measures are needed to protect First Nation land or the health and safety of its members. This law expires 28 days after its enactment, unless re-enacted in accordance with section 7.2.

Approval of law by Council

4. In accordance with section 7.2, a law is enacted if it is approved by a majority of the Council at a meeting of the Council open to the members.

Certification of laws

5. The original copy of any law or resolution concerning First Nation land shall be signed by a quorum of the Council present at the meeting at which it was enacted.

8 Publication of Laws

Publication

1. All laws shall be published in the minutes of the Council.

Posting laws

2. Within 7 days after a law has been enacted, the Council shall
 - (a) post a copy of the law in the administrative offices¹ of the First Nation, and

¹ Copies would be posted at all the administrative offices of the Kettle and Stony Point First Nation.

- (b) notify members

Registry of laws

- 3. The Council shall cause to be kept, at the administrative offices of the First Nation, a register of the original copy of all laws and resolutions, including laws and resolutions that have been repealed or are no longer in force.

Copies for any person

- 4. Any person may obtain a copy of a law or resolution on payment of a reasonable fee set by the Council, or a body designated by Council.

9 Commencement of Laws

Laws taking Effect

- 1. A law enacted by the Council takes effect on the date of its enactment or such later date as specified by or under the law.

PART 3 COMMUNITY APPROVALS

10 Rights of Eligible Voters

Eligibility to vote

- 1. Each member who is at least 18 years of age is eligible to vote at a meeting of members and at a ratification vote.

11 Community Input

Prior meeting of members

- 1. The Council shall convene a meeting of members to receive their input prior to the introduction of the following laws:
 - (a) a law respecting a community plan or subdivision plan;
 - (b) a law declaring land or an interest referred to in section 5.2 to be subject to this Land Code;
 - (c) a law affecting a heritage site or an environmentally sensitive property;