

Detailed Summary of the Metlakatla First Nation Land Code

The Metlakatla First Nation Land Code outlines how Metlakatla will exercise its authority to govern, manage, and administer those reserve lands and resources. This document provides a “plain English” version of the Metlakatla Land Code. The left column has the proposed text of the Land Code and the right column has what the text means in simplified terms. If the Land Code text is self-explanatory, the right hand column was left intentionally blank.

If you have any questions or would like more information about the Land Code please do not hesitate to contact the Metlakatla Lands Department at lands@metlakatla.ca or (250) 628-3234 Ext 2009. Philip Clement or Kiesha Pahl will happy to discuss the Land Code with you - our goal is to ensure that members make an educated and informed vote (October 13 in Metlakatla; October 14 and 15 in Prince Rupert).

The Land Code will not be put in place unless Members approve both the Land Code and the Individual Agreement with Canada in a ratification vote. If the Land Code is approved, then Metlakatla will be governing and managing its own reserve lands and resources.

METLAKATLA FIRST NATION LAND CODE

The purpose of the Metlakatla Land Code is to set out how Metlakatla will manage their reserve lands and resources. The Land Code consists of 10 Parts or chapters. Each Part will be covered this document. The Land Code also contains a Preamble.

PREAMBLE

Acknowledges Metlakatla’s connection to its lands and resources. The preamble reinforces Metlakatla’s desire for reserve lands and resources to no longer be managed by Canada (Indian Act), but managed by Metlakatla under the Land Code.

PART 1 PRELIMINARY MATTERS

This Part introduces the Land Code to the reader and defines how the document should be read. There is a description of the terms that will be used in the document, an explanation of where the authority to govern comes from, the purpose of the Land Code and what reserve lands the Land Code applies to.

Metlakatla Land Code Text	Explanation
1. Title	
1.1 The title of this enactment is the <i>Metlakatla First Nation Land Code</i> .	The Land Code will be called the Metlakatla First Nation Land Code.
2. Definitions	
2.1 The following definitions apply in this <i>Land Code</i> :	The definitions and rules of interpretation are set out in Sections 2.1 to 3.1
“Allotment” means an interest in Metlakatla First Nation Reserve Lands granting a Member possession of a part of MFN Reserve Lands under Part 7 of this Land Code or, prior to the date this Land Code comes into force, in combination with a Certificate of Possession pursuant to section 20 of the <i>Indian Act</i> ;	
“Canada” means Her Majesty the Queen in Right of Canada;	
“Certificate of Possession” (CP) means an official document issued under this Land Code or formerly issues under section 20 of the <i>Indian Act</i> to confirm a Member’s Allotment;	
“Committee” means the Lands Management Advisory Committee established under Part 6 of this <i>Land Code</i> ;	
“Common-Law Partnership” means the relationship between two (2) persons who are cohabiting in a conjugal relationship that has been in place for at least three (3) years or such other time period as set out in Metlakatla First Nation Law or determined by a court;	
“Community Land” means any Metlakatla First Nation Land in which all Members have a common interest;	
“Council” means the Chief and Council of the Metlakatla First Nation or any successor elected government of the Metlakatla First Nation;	
“Eligible Voter” means, for the purpose of voting in respect of Land matters under this <i>Land Code</i> , a Member who has attained eighteen (18) years of age on or before the day of the vote;	
“Expropriation” means a taking of an Interest or all Interests in portions of the Nation’s Land for a community purpose through a process established by a Law of the MFN, in accordance with Part 4;	
“Extended Family”, in respect of a person, means the person’s grandparent, uncle, aunt, first cousin, grandchild, and/or any other relation or relationship that Council may add by law;	
“FAL” means the <i>Metlakatla First Nation Financial Administration Law, 2015</i> ;	
“First Nation Lands Register” means the register established pursuant to clause 51 of the <i>Framework Agreement</i> and maintained by the Department of Indigenous and Northern Affairs Canada;	
“ <i>Framework Agreement</i> ” means the <i>Framework Agreement on First Nation Land Management</i> , entered into between Canada and the signatory First Nations on February 12, 1996, as amended;	
“Immediate Relatives”, in respect of a person, means the person’s parent, sister, brother, child, and Spouse;	
“Individual Agreement” means the Individual Agreement made between Metlakatla First Nation and Canada in accordance with clause 6.1 of the <i>Framework Agreement</i> ;	

<p>“Interest”, in relation to First Nation Land, means any Interest, right or estate of any nature in or to that Land, including a certificate of possession, but does not include title to that Land;</p>	
<p>“Instrument” means a formal legal written document that provides evidence of an Interest, Licence or transaction in relation to Metlakatla First Nation Reserve Lands;</p>	
<p>“Land Code” means the <i>Metlakatla First Nation Land Code</i>, and sets out the basic provisions regarding the exercise of the Metlakatla First Nation’s rights and powers over Metlakatla First Nation Reserve Land;</p>	
<p>“Land Law” means a law, including, but not limited to, policies, regulations, standards, restricted to Metlakatla First Nation Reserve Lands, enacted in accordance with this Land Code;</p>	
<p>“Licence” in relation to Metlakatla First Nation Land, means any right of use or occupation of that Land, or any right or permit to carry out an activity, other than an Interest in the Land;</p>	
<p>“Meeting of Members” means a meeting under Part 3 of this Land Code to which the Members are invited to attend;</p>	
<p>“Member” means a person whose name appears on the Metlakatla First Nation Band Membership List;</p>	
<p>“Metlakatla First Nation” means the Metlakatla First Nation and its Members;</p>	
<p>“Metlakatla First Nation Reserve Land” or “MFN Reserve Land” means any Metlakatla reserve land that is subject to this <i>Land Code</i>;</p>	
<p>“Natural Resources” means any minerals, oil, gas, substances, groundwater, water, vegetation or animals found on or in MFN Reserve Lands which, when removed, have economic or other value;</p>	
<p>“Register” or “Registration” means to register in the First Nations Land Register established by Canada in accordance with section 51.1 of the Framework Agreement and in accordance with this Land Code and any Metlakatla Land Law;</p>	
<p>“Resolution” means a band Council Resolution enacted under this <i>Land Code</i>;</p>	
<p>“Riparian Rights” means the legal right of owners of land bordering on a river or other body of water, and any law that pertains to use of the water for that land; and</p>	
<p>“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony, and includes a Spouse by Common-Law Partnership.</p>	
<p>2.2 Any words or terms used in this <i>Land Code</i> which are defined in the <i>Framework Agreement</i> shall have the same meaning as in the <i>Framework Agreement</i>, unless the context otherwise requires.</p>	
<p>3. Interpretation</p>	
<p>3. In this <i>Land Code</i>:</p>	
<p>(a) the <i>Land Code</i> shall be interpreted in a fair, large and liberal manner;</p>	<p>The Land Code is to be applied as fairly as possible by the courts and it must be assumed that all members have equal rights,</p>
<p>(b) the word “shall” signifies an obligation that, unless this <i>Land Code</i> provides to the contrary, must be carried out as soon as practicable after this <i>Land Code</i></p>	<p>If the word “shall” or “will” is used then Metlakatla has to complete what it said it would in a reasonable amount of time after the Land Code is passed.</p>

comes into effect or the event that gives rise to the obligation;	
(c) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;	In the Land Code, the word “including” and “includes” means “some of these and possibly more”. It’s generally used when listing something and indicates that there may be other things that get added to the list of possibilities.
(d) a reference to an enactment includes any amendment or replacement of it and every regulation made under it;	If this Land Code refers to another Law or Law then it refers to the most recent one if it has been updated
(e) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;	The Land Code does not discriminate between men and women. Men and women will have equal rights in relation to Metlakatla First Nation lands.
(f) titles and headings of Parts and provisions have been inserted in the <i>Land Code</i> for convenience of reference only, and are not interpretive aids;	The titles and headings are just there to help the reader follow along and are not actually a part of this Land Code.
(g) unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular;	
(h) all references to a time period of days means consecutive days and not business days;	Saturdays and Sundays are included where there is a timeline in days mentioned.
(i) where the time limited for the doing of an act expires or falls on a Saturday or Sunday, or a First Nation, federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday;	This is specified because the Metlakatla First Nation administrative offices are not open on the weekends or holidays.
(j) where the time limited for the doing of an act in the Metlakatla First Nation administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open;	Same as above.
(k) where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded; and	When determining the number of days for a matter under the Land Code, the day on which the matter occurs is not included.
(l) the principles set out in the Preamble to this Land Code may be used to interpret this Land Code.	The preamble can be used as a guide to interpret this document.

<p>3.2 The structures, organizations and procedures established by or under this <i>Land Code</i> shall be interpreted in accordance with the culture, traditions and customs of the Metlakatla First Nation, unless otherwise provided.</p>	<p>Metlakatla’s culture, traditions and customs must be considered when looking at the structures, organizations, laws, policies, regulations and procedures that are made under the Land Code.</p>
<p>3.3 If there is an inconsistency or conflict between this <i>Land Code</i> and any other enactment of the Metlakatla First Nation, including a by-law enacted under section 81 of the <i>Indian Act</i>, this <i>Land Code</i> prevails to the extent of the inconsistency or conflict.</p>	<p>The Land Code takes precedence or has the highest priority over any other Metlakatla Law or by-law passed under the <i>Indian Act</i> if there is any conflict or disagreement between them.</p>
<p>3.4 If there is an inconsistency or conflict between this <i>Land Code</i> and the <i>Framework Agreement</i>, the <i>Framework Agreement</i> will prevail to the extent of the inconsistency or conflict.</p>	<p>The <i>Framework Agreement</i> takes precedence over the Land Code if there is a conflict, because the <i>Framework Agreement</i> is the basis for the creation and establishment of the Land Code.</p>
<p>3.5 This Land Code is not intended to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain now or in the future to the Metlakatla First Nation or its Members.</p>	<p>The Land Code does not in any way change or diminish our Aboriginal Rights.</p>
<p>3.6 This Land Code is not intended to affect the eligibility of the Metlakatla First Nation or any Member to receive services or participate in such public or aboriginal programs as may be established from time to time to the extent that the Nation has not assumed responsibility for such services or programs.</p>	<p>Programs and services, like healthcare and education are NOT affected by the Land Code. The Land Code only deals with the governance, administration and management of Metlakatla Reserve Lands. All other services will continue to exist as they have before.</p>
<p>3.7 This <i>Land Code</i> does not change:</p>	
<p>(a) the by-law powers of Council pursuant to the <i>Indian Act</i>;</p>	<p>Council can still pass by-laws under the Indian Act if it wants to.</p>
<p>(b) any Aboriginal, Treaty, inherent rights or other rights or freedoms that pertain now or in the future to the Metlakatla First Nation or its Members; or</p>	<p>The Land Code does not impact current or future aboriginal, treaty or inherent rights or freedoms.</p>
<p>(c) the fiduciary relationship between Canada and Metlakatla First Nation and its Members.</p>	<p>Canada still has a fiduciary duty to Metlakatla members</p>

3.8 A reference to Land in this <i>Land Code</i> means all rights and resources in and of that Land, and includes:	When land is talked about in the Land Code, it includes the following rights and resources:
(a) the water, beds underlying water, riparian rights, to the extent that these are included in the Reserve;	All water, water beds, ground water and riparian rights that are considered to be a part of the reserve, will be subject to this Land Code.
(b) renewable and non-renewable natural resources in and of that Land, to the extent that these are under the jurisdiction of Canada;	Gravel, minerals, and trees are also considered to be apart of the reserve.
(c) all the Interests and Licences granted by Canada listed in the Individual Agreement; and	All leases, permits, easements, rights of ways etc. that were issued by Canada under the <i>Indian Act</i> , such as the one that Metlakatla has with BC Hydro, will be considered to be a part of the reserve and included under the Land Code.
(d) all the Interests and Licences granted by Metlakatla First Nation after this <i>Land Code</i> comes into effect.	Metlakatla may grant Interests and Licences after this Land Code comes into effect.
3.9 Only Land that has reserve status is eligible to be governed under this <i>Land Code</i> .	The Land Code only applies to Reserve Lands. Not fee-simple, long-term leases or another form of tenure. Only to Reserve Lands.
4. Authority to Govern	
4.1 By enacting this Land Code, the Metlakatla First Nation is affirming our responsibility to care for and respect our MFN Reserve Lands.	Passing the Land Code acknowledges Metlakatla's right and responsibility to care for and take control of our reserve lands from the Department of Indian Affairs.
4.2 The authority of the Metlakatla First Nation to govern our Land and resources flows from our Aboriginal rights and title and our inherent rights of self-government.	Metlakatla's authority to govern its lands and resources comes from our original authority before contact with Europeans and not from any other source.
4.3 For any purpose related to MFN Lands, MFN shall have legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to	Metlakatla will have all the powers of a land holder – but they will not have actual title to the land – title remains with the Federal Government.

exercise its powers and to perform its duties.	The treaty process is concerned with changing title.
5. Purpose	
5.1 The purpose of this <i>Land Code</i> is to set out the principles, rules and administrative structures that apply to Metlakatla First Nation (MFN) Land and by which the Metlakatla First Nation will exercise authority over that Land.	The Land Code will be Metlakatla's system for how it will govern, administer, and manage its reserve lands.
6. Description of Metlakatla First Nation Land	
6.1 The MFN Lands that are subject to this Land Code are the lands as described in the Individual Agreement and any lands added in compliance with this Land Code and include the following MFN Lands:	The following is a list of the Metlakatla reserve lands and their legal descriptions that will be transferred from the Government of Canada to the Metlakatla First Nation by the Individual Agreement.
<ul style="list-style-type: none"> • S ½ Tsimpsean Indian Reserve No. 2 (07754) • Wilnaskancaud Indian Reserve No. 3 (07755) • Shoowahtlans Indian Reserve No. 4 (07756) • Tugwell Island Indian Reserve No. 21 (07760) • Tuck Inlet Indian Reserve No. 89 (07765) • Rushton Island Indian Reserve No. 90 (07766) • Squaderee Indian Reserve No. 91 (07767) • Avery Island Indian Reserve No. 92 (07768) • Edye Indian Reserve No. 93 (07769) • Grassy Bay Reserve (10023). 	
6.2 The MFN Reserve Lands includes all reserve Lands listed in the Individual Agreement and such other Lands as may be described in the Individual Agreement as amended from time to time, and more particularly described in Appendix "A".	The Individual Agreement contains descriptions of the reserve lands and it will be used to identify the reserve lands that are under the Land Code. Contact the Metlakatla Lands Department for a copy of the Individual Agreement.
6.3 Subject to applicable law all natural resources on MFN Reserve Lands belong to the Metlakatla First Nation.	All the trees, minerals, and other natural resources belong to Metlakatla.
6.4 The use and development of natural resources on or under MFN Reserve Lands will be subject to this Land Code and all MFN Land Laws, and Land Use Plans.	Metlakatla will provide direction as to how natural resource will be used or not used through Metlakatla's own laws, policies, plans etc.
6.5 For greater certainty, reserve lands that are jointly held with the Lax Kw'alaams are not subject to this Land Code.	There are 16 joint reserves with Lax Kw'alaams – they are not apart of this Land Code.

6.6 Council shall consult with members prior to the amendment of the description of Reserve Land or addition of reserve Land to the Land Code.	A meeting of members shall be held prior to amending or adding reserves.
6.7 For greater certainty, a community approval or ratification vote is not required for amending the description of reserve Land in the Land Code and Individual Agreement.	A vote is not needed to change the name of a reserve or to add a new reserve under the Land Code.
6.8 Council may, by Resolution, declare the Land or Interest to be subject to this Land Code.	Council can add reserve lands to come under the jurisdiction of Metlakatla and this Land Code by passing a Band Council Resolution.

PART 2 FIRST NATION LEGISLATION

This section outlines what law-making powers Metlakatla will have and the procedure for how new land laws will be created, passed, come in to effect, published, communicated and implemented under the Land Code.

Council may make land laws that focus on a number of different areas under this part of the Land Code. The law-making power is as comprehensive as possible with respect to land matters and replaces the powers set out in the *Indian Act*.

Under the Land Code, Members must be given notice before laws are passed, and may be involved in the development or approval of certain types of laws. Approved laws must be distributed to Metlakatla members.

Metlakatla Land Code Text	Explanation
7. Law-Making Powers	
7.1 Council will, in accordance with this Land Code, make Land Laws respecting:	Section 7.1 establishes Metlakatla’s authority to make and enact laws in the governance of its reserve lands. The words “council will” means no other governments except the MFN can make these laws.
(a) the development, conservation, protection, management, use and possession of Metlakatla First Nation Land;	Laws on the process for reserve land development, like what development can take place and how development will be controlled by Metlakatla.

	<p>Laws on conservation of resources on reserve lands such as; requiring replanting of harvested areas or protecting fish habitat.</p> <p>Laws on how Metlakatla staff would manage the lands including rules and procedures that must be followed by everyone.</p> <p>Laws on the ownership of lots on reserve lands such as the authority to issue certificates of possession.</p>
(b) Interests and Licences in relation to Metlakatla First Nation Land; and	<p>Council can create “legal” interests by passing a land law to deal with legal issues such as leasing, right of ways, easements for hydro or gas lines.</p> <p>Authority to create a legal right to use or cross reserve lands without owning the land.</p>
(c) any matter necessary or ancillary to the making of Land Laws in relation to the MFN Reserve Lands.	<p>Authority to make laws on any matters required to make the Land Code work, such as, a law on speed limits on reserve lands.</p>
7.2 For greater certainty, without limiting section 7.1, Council may make Land Laws, and associated regulations, including, but not limited to:	<p>Section 7.2 is a listing of examples of laws the Metlakatla First Nation can make and are self-explanatory. The words ‘for greater certainty’ means to make more clear or for better understanding.</p> <p>These are not additional powers but a list of examples of laws which can be made under section 7.1.</p>
(a) archaeological assessment and protection of archaeological and cultural resources;	
(b) authorization and regulation of subdivisions;	
(c) conduct of surveys;	
(d) construction, installation, maintenance, regulation and management of any utilities, including roads, pipelines, power lines, communication lines, roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works;	

(e) construction and maintenance of landscaping, boundaries, screenings, boundary and internal fences;
(f) creation of management and administrative bodies or agencies;
(g) creation, regulation and prohibition of Interests and Licences;
(h) economic development;
(i) enforcement of the Laws of the Metlakatla First Nation
(j) environmental assessment and protection;
(k) expropriation of Interests and Licences;
(l) forms, procedures, application fees and related matters;
(m) hunting, fishing, management and protection of fish, wildlife and their habitat on MFN Reserve Lands;
(n) mortgages, secured interests and priorities relating to Interests;
(o) provision of local services and the imposition of user charges, including development cost charges or other similar charges;
(p) provision of services for the resolution, outside the courts, of disputes;
(q) public nuisance and private nuisance;
(r) purchase, acquisition or sale of lands in accordance with the Indian Act and this Land Code;
(s) regulation, control, authorization and prohibition of residency, access and the occupation and development of land;
(t) removal of, and enforcement and prosecution against persons trespassing upon MFN Reserve Lands or frequenting MFN Reserve Lands for prohibited purposes;
(u) setting aside, protection and regulation of heritage sites, cultural sites, traditional sites, and spiritual sites and wildlife refuges;
(v) setting aside, protection and regulation of parks, parklands, trails and recreational lands;
(w) registration of Interests and Licences, including priority of registration;
(x) regulation of development, building and construction, including the application of building codes, engineering standards and other standards;

(y) regulation of roads, intersections, traffic and transportation;	
(z) regulation of sanitary conditions and the provision of sanitary services in private premises and public places;	
(aa) setting of fees, rents royalties and charges for Interests in MFN Reserve Lands;	
(bb) setting aside of lands for community purposes or works;	
(cc) use and storage of firearms, fireworks, weapons and hazardous materials or substances on MFN Reserve Lands;	
(dd) zoning, land use planning and development, including requirements for contributions to the community; and	
(ee) any related matter as deemed necessary by the Council.	
7.3 For greater certainty, in addition to Land Laws, Council may pass other enactments and policies, including, but not limited to, rules, regulations, standards, codes and policies.	Council may pass regulations and policies as specified under a Land Law.
7.4 The Lands Management Advisory Committee (LMAC), in consultation with Members, will propose a legislative framework, which will contain a schedule, to prioritize the development of land laws for recommendation to Council.	As indicated above there are numerous potential land laws – the LMAC will seek Member input to prioritize what laws we should focus our efforts on – which laws are most important to the membership. Council will need to review and approve this list.
8. Law-Making Procedure	
8.1 In accordance with the law-making procedure in this Land Code, and any process or Law established under Section 8.1, a proposed Land Law may be introduced at a duly convened meeting of Council by:	The first step in making a law is to have someone initiate or start the process. Section 8.1 defines who has the authority to initiate a new law, propose an amendment to an existing law or repeal a law that is no longer needed.
(a) the Chief or a Councillor; or	The Chief or any Councillor can propose a law and if a majority of Council agrees, then the writing of a new law can begin. Members can propose a land law by talking to a Councillor.
(b) the Metlakatla Executive Director.	The Executive Director will also have the authority to initiate a new law. The Lands Committee can propose land

	laws to be developed by having the request sent to the Executive Director.
8.2 It shall be incumbent upon any individual mentioned in Section 8.1 to submit a written explanation of the reason for the proposed Land Law and the authority for it.	Any new law that is proposed to Council, will include with it, a written explanation outlining the purpose for the law, why it's needed, what problem it intends to resolve and how it intends to do so.
8.3 Upon receipt of a Land Law proposal, Council may:	When Council receives a written proposal for a new law, they have the following choices:
(a) introduce the Land Law proposal for further review or for enactment;	<ul style="list-style-type: none"> - Consider it for further review or begin the approval process - Ask for more information at a future Council meeting - Ask for the law to be written, or - Reject the proposed law, meaning that no further work on this would occur <p>If a law is rejected at this stage, a written reason needs to be provided</p>
(b) request that the individual in 8.1 who introduced the Land Law provide further information or attend before a future meeting of Council to speak to the Land Law proposal;	
(c) undertake or direct the preparation of a draft Land Law concerning matters raised in the Land Law proposal, for consideration by Council; or	
(d) decline the Land Law proposal and shall provide a written rationale.	
8.4 Before a proposed Land Law may be enacted by Council, it shall first:	Before any proposed law can be passed or approved by Council, the draft law needs to go through the following steps:
(a) be introduced at a duly convened meeting of Council held at least forty-two (42) days before the Land Law is to be enacted;	<ul style="list-style-type: none"> - Be brought forward to Council at least 42 days before it goes back to Council for approval - Has to be sent to the Lands Management Committee at least 35 days before it goes back to Council for approval - the proposed law must be posted for all Metlakatla Members at least 35 days before it goes back to Council for approval - If the proposed law requires specific community input such as a Membership Meeting or Ratification, this has to occur
(b) be deposited with the Lands Management Advisory Committee at least thirty-five (35) days before the Land Law is to be enacted;	
(c) be provided to the Members (where possible via email or mail upon request) and posted in public places on MFN Reserve Land and publically available online at least thirty-five (35) days before the Land Law is to be enacted; and	

<p>(d) meet the necessary community input requirements set out in Part 3 of this Land Code.</p>	<p>before the law goes back to Council for approval</p>
<p>8.5 In consideration of all items in Section 8.4, Members may provide written comments to the Council, via the Lands Management Advisory Committee, on the proposed Land Law prior to the Land Law being considered for the approval of the Council. The Council shall give full consideration of such comments.</p>	<p>Ideally comments on proposed lands laws will be in writing. They will be given to the Committee first. The Committee will summarize the comments and then provide them to Council for their consideration.</p>
<p>8.6 For matters requiring a referendum, in addition to Section 8.5 a written certificate of the ratification vote approval must be obtained before the Land Law may be enacted by Council.</p>	<p>Proof of a successful ratification vote by the membership is needed for certain laws. Ratification votes will take place as per Part 3.</p>
<p>8.7 Council may enact a Land Law without the preliminary steps required under clause 8.4, if Council is of the opinion that the Land Law is needed urgently for public health and safety or to protect MFN Land or the Members.</p>	<p>If it is determined that a law is needed urgently it can be implemented quickly without going thru the steps above.</p>
<p>8.8 A Land Law enacted under clause 8.7 expires one hundred and twenty (120) days after its enactment unless re-enacted in accordance with clause 8.7.</p>	<p>Any law that gets put in place for urgent matters is only active for 120 days until it expires and has to be reapproved through the law-making process that was just outlined.</p>
<p>8.9 A Land Law is enacted if it is approved by a quorum of the Council at a duly convened meeting of Council.</p>	<p>There must be a quorum of Council to pass a Law.</p>
<p>8.10 The original copy of any approved Land Law concerning MFN Reserve Lands shall be signed by a quorum of Council present at the meeting at which it was enacted.</p>	<p>A land law must be signed by the majority of Council at the meeting where they approved it.</p>
<p>8.11 A Land Law enacted by Council takes effect on the date of its enactment or such later date as specified by the Land Law.</p>	<p>Any law that gets passed by Council will come in to effect or starts on the date that it gets approved or another date that is written in the law itself.</p>
<p>8.12 If a Land Law provides for the enactment of regulations on specific topics:</p>	<p>Some laws may require the passing of regulations, such as fines or environmental standards.</p>

(a) Council may initiate the development of a regulation by Resolution;	These regulations can start to be written once a resolution has been passed by Council.
(b) Council may, in any manner that Council considers advisable, consult with Members regarding a proposed regulation; and	When creating and/or passing regulations, Council may ask Metlakatla members for their feedback.
(c) Unless otherwise stated in the regulation, a regulation is enacted and comes into force on the date that it is approved and adopted by Resolution.	Council approves or puts in place regulations by passing a Council resolution. These regulations begin to apply on the date of the resolution being passed.
8.13 Council may, in consultation with the Lands Committee, establish a more detailed Law-making process to develop, gather community input, enact and implement Land Laws.	A more detailed procedure to develop, communicate, enact and implement Metlakatla laws may be developed by Council with the help of the Lands Committee.
9. Publication of Land Laws	
9.1 Land Laws pursuant to this Land Code shall be:	<p>All laws that get approved by Council, need to be:</p> <ul style="list-style-type: none"> - recorded in the minutes as a part of Council business to demonstrate that it was passed following our own law - posted in public areas (such as the lobby or entrance ways) of Metlakatla administration buildings for at least 30days - posted on the MFN website - published in the First Nations Gazette - put into the First Nations Lands Registry System and - any other ways that Council decides to publish the law
(a) included in the minutes of the Council meeting at which it was enacted;	
(b) posted in a location within the administrative office of Metlakatla First Nation accessible to all Members, as soon as practicable after enactment and for a period of not less than thirty (30) days thereafter;	
(c) made publicly available on the Metlakatla First Nation website;	
(d) submitted for publication in the First Nations Gazette;	
(e) posted in the First Nations Lands Registry; and	
(f) posted or publicized by any other additional method as Council may consider appropriate.	
9.2 The Metlakatla Lands Department shall keep, at the administrative offices of the Metlakatla First Nation, a register of the original copy of all Land Laws, including	Copies of all Land Laws will be kept at the Metlakatla Land Department office.

Land Laws that have been repealed or are no longer in force.	
9.3 Any person may obtain a copy of a Land Law on payment of a reasonable fee set by Council or a designate. Fees may be amended from time to time.	This is for people like developers who want to do business in Metlakatla and need to know what the lands laws on Metlakatla Reserve Lands are. Members will be able to get a copy of the Law at no charge.

PART 3 MEETING OF MEMBERS AND APPROVALS

This section defines how and what the process is for getting Metlakatla membership approval for certain laws that identified under the Land Code. For example, approving a land use plan would require Membership approval before it could be passed by Council Resolution. Getting membership approval at a Meeting of Members would have to follow the conditions that are set out in this section.

Metlakatla Land Code Text	Explanation
10. Participation of Eligible Voters	
10.1 Every Eligible Voter is entitled to participate in the member approval process set out in Part 3 of this Land Code.	Members (over 18) whether they live on or off reserve can vote in a referendum.
11. Meeting of Members	
11.1 Council shall, in consultation with the Committee, develop Laws, policies or procedures for the conduct of Meetings of Members under this Land Code.	Council, with the assistance of the Lands Committee, will develop laws, policies, procedures or any other processes for how a Meeting of Members is held.
11.2 Council shall give written notice of the Meeting of Members that shall include:	A written notice for a Meeting of Members has to include the following: <ul style="list-style-type: none"> - date, time and meeting location - brief description of what is to be discussed, and - any other information that is necessary to inform Metlakatla Members about the matter
(a) the date, time and place of the meeting;	
(b) a brief description of the matters to be discussed; and	
(c) such other information and material that Council may consider appropriate.	
11.3 Council shall notify Members at least (14) days before the Meeting of Members.	A notice for a Meeting of Members has to be put out by Council at a minimum of 14 days before the meeting.

<p>11.4 A person, other than a Member, may attend a Meeting of Members only with permission of Council.</p>	<p>Persons other than Members may only attend with Council permission.</p>
<p>11.5 Council shall call a Meeting of Members prior to:</p>	<p>A Meeting of Members is required for the following matters:</p>
<p>(a) enacting a Land Law respecting the allotment of MFN Reserve Lands to members;</p>	
<p>(b) enacting a Land Law respecting environmental assessment and protection;</p>	
<p>(c) enacting a Land Law respecting the protection of cultural heritage resources;</p>	
<p>(d) enacting a Land Law respecting matrimonial real property on reserve under Section 31;</p>	
<p>(e) declaring Land or an Interest to be subject to this Land Code;</p>	
<p>(f) enacting a Land Law respecting a community plan or subdivision plan;</p>	
<p>(g) enacting a Land Law respecting the transfer and assignment of Interests or Licences;</p>	
<p>(h) developing a parcel of land that has been designated or identified as culturally or environmentally sensitive property;</p>	
<p>(i) enacting a Land Law respecting the rights and procedures on expropriation; and</p>	
<p>(j) enacting a Land Law or class of law that Council, by Resolution, declares to be subject to this section.</p>	
<p>12. Member Approval and Ratification</p>	
<p>12.1 Member approval by ratification vote shall be obtained for the following:</p>	<p>A referendum will be required for:</p> <ul style="list-style-type: none"> - the first Land Use Plan, but future amendments could be approved by a resolution or at a Meeting of Members - any exchange of reserve lands with private lands or other lands - a major change, revision or modification to the Land Code, and - any other laws or matters that Council decides should receive membership approval.
<p>(a) enacting a Land Use Planning Law setting out the process and key requirements for Land Use Plans and the initial Land Use Plan, but, for greater certainty, not for subsequent Land Use Plans or amendments;</p>	
<p>(b) any voluntary exchange of MFN Reserve Lands referred to in section 14 of this Land Code;</p>	
<p>(c) a major amendment to this Land Code; or</p>	
<p>(d) any Land Law, class of law, or matter that Council, by Resolution, declares to be subject to this section.</p>	
<p>12.2 Member approval by ratification may be obtained by calling for a vote by one or more of the following methods, including:</p>	<p>A ratification vote by polling stations, mail-in ballots, or any other method such as telephone or electronic voting may be used to obtain membership approval.</p>

(a) establishing polling locations;	Polling stations
(b) mail-in ballot; or	Mail-in ballot; or
(c) alternative voting methods, such as electronic and telephone voting.	Alternative voting methods, such as electronic or telephone. This does not limit the methods of voting.
12.3 Subject to section 12.4, any ratification vote required under this Land Code shall be conducted in substantially the same manner as the <i>Metlakatla First Nation Community Ratification Process</i> , which was used to ratify this Land Code but a verifier is not required. For greater certainty, an independent ratification officer is required to conduct votes under Section 12.1	A referendum to settle any matter under this Land Code will be the same type of referendum that was used to approve this Land Code. The final results of the referendum will be all that is required to make it official and does not need to be approved by anyone else.
12.4 A matter or Law set out in paragraph 12.1(a) to (d) is approved by a ratification vote where a majority of those Eligible Voters who vote, in accordance with the procedures approved by Council, vote in favour of the matter or Law.	Approval of a matter or of a law requires that at least 50% of the Members who participate by casting a ballot, vote in favour of the matter or law.
12.5 For a vote on a voluntary exchange of MFN Reserve Land referred to in paragraph 12.1 (a) and section 14, for which the land exchange would result in a reduction of the total quantity of MFN Reserve Lands, the exchange shall only be approved if more than sixty percent (60%) of the Eligible Voters who vote, vote in favour of the land exchange.	If a voluntary land exchange results in the reduction of reserve land, the exchange will only be approved if more than 60% of eligible voters who vote, vote in favour of the exchange.

**PART 4
PROTECTION OF LAND**

This section outlines some of the key areas of protection under the Land Code—specifically the ability to:

- protect the environment through environmental assessment and environmental protection laws, and
- to protect and manage cultural heritage resources by establishing cultural heritage resource laws and management plans..

This section also describes special conditions by which Metlakatla could expropriate land for community purposes, but only after getting community approval through a ratification vote. Also included, are the conditions for calculating compensation and identifying the rights that may not be expropriated. An agreement is necessary for the Metlakatla First Nation to exchange land with another party (i.e. First Nation, Province, and Federal Government) and there are conditions to be met for lands to be received.

Metlakatla Land Code Text	Explanation
13. Environment and Cultural Heritage Resources	
13.1 Council shall enact environmental and cultural heritage resource land laws relating to the conducting of assessment and protection of MFN Reserve Lands.	Council will put in place environmental and cultural heritage resource land laws for doing assessments and protecting MFN Reserve Lands.
13.2 Until council enacts environmental assessment and protection laws, it shall conduct an assessment process in respect of every project on MFN Reserve Lands that requires an assessment under the <i>Canadian Environmental Assessment Act</i> consistent with the requirements set out in Annex 'F' of the Individual Agreement	Metlakatla shall use the Canadian Environmental Assessment Act until it develops its own lands laws.
13.3 Until Council enacts a cultural heritage resource protection Law it may follow the British Columbia <i>Heritage Conservation Act</i>	- the BC Heritage Conservation Act can be followed until Metlakatla develops its own land laws related to cultural heritage values
13.4 Subject to any Land Law with more specific provisions, or Council approval, all of the following are prohibited on MFN Reserve Lands:	Until Land Laws are in place, or you have Council approval, you can not do any of the following:
(a) dumping of any waste, garbage, debris or similar material anywhere outside of a garbage can or authorized bin or garbage area; and	- no dumping garbage on reserve
(b) dumping, spilling, discharging, releasing or depositing any substance, liquid or gas, that is noxious, hazardous, polluting, deleterious or harmful to human health or the environment.	- no dumping/spilling anything that could cause harm to people or the environment
14.Expropriation – Taking Land for Community Purposes	
14.1 The right of Metlakatla First Nation to expropriate can only be exercised after a	Taking somebody's land or CP, is a last resort, and can only happen if a mutual

<p>good faith effort to acquire, by mutual agreement with the Interest or Licence holder, the Interest or Licence in MFN Reserve Lands rather than by expropriation</p>	<p>agreement can't be met and all other options have been considered.</p>
<p>14.2 An Interest or Licence in MFN Reserve Lands, or in any building or other structure on that Land, may only be expropriated by Metlakatla First Nation in accordance with:</p>	<p>Expropriation power will be held by Metlakatla and not by the province or Canada, and can only be carried out if the expropriation is done in accordance with:</p> <ul style="list-style-type: none"> - a Metlakatla law that outlines the processes around expropriation, and - the Framework Agreement on First Nation Land Management.
<p>(a) any Metlakatla Land Law enacted for the purpose of establishing the rights and procedures for expropriations; and</p>	
<p>(b) the Framework Agreement</p>	
<p>14.3 An expropriation shall only be made for necessary MFN community works or other Metlakatla First Nation purposes, including but not limited to, a fire hall, sewage or water treatment facility, community center, public works, utilities, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.</p>	<p>Expropriation will only happen for community works or other MFN purposes.</p>
<p>14.4 Before proceeding to make any expropriations in accordance with this Land Code and the <i>Framework Agreement</i>, Council, in consultation with the Lands Management Advisory Committee, shall enact a Land Law respecting the rights and procedures for expropriations, including provisions respecting:</p>	<p>Council can't expropriate without first making a law respecting the rights and procedures for expropriation that includes:</p> <ul style="list-style-type: none"> - how ownership is transferred - the steps and rules that Council must follow - how and when notices get posted - a requirement that expropriation is a last resort and can only occur when no other land is available - a requirement that only the smallest piece of land is taken and for the shortest amount of time necessary - details around compensation or payment for the land
<p>(a) the taking of possession of the Interest or Licence;</p>	
<p>(b) transfer of the Interest or Licence;</p>	
<p>(c) notice of expropriation and service of the notice of expropriation;</p>	
<p>(d) no other similar and suitable land is reasonably available;</p>	
<p>(e) any taking is in the smallest amount of land and for the shortest period of time necessary to reasonably meet the need for which the land or Interest is required;</p>	
<p>(f) entitlement to compensation;</p>	
<p>(g) determination of the amount of compensation; and</p>	
<p>(h) the method of payment of compensation.</p>	

<p>14.5 In the case of an expropriation of a Member's Interest in Metlakatla First Nation Reserve Land, the affected Member or Members shall receive notification of the expropriation within a reasonable time prior to the release of the public notice referred to in clause 13.6.</p>	<p>If a Member's interest is being expropriated, that Member will receive notice prior to the release of public notice.</p>
<p>14.6 Before Metlakatla First Nation expropriates an Interest or Licence, it shall make a report to all potentially affected individuals and holders of potentially affected Interests or Licences setting out the reasons justifying the expropriation.</p>	<p>Before MFN expropriates an Interest or Licence, it will make a report to all potentially affected individuals, and the reasons justifying the expropriation.</p>
<p>14.7 Metlakatla First Nation shall, in accordance with its Land Laws and the <i>Framework Agreement</i> pay fair and reasonable compensation to the holders of the Interest or Licence being expropriated.</p>	<p>Pay a fair price for the land.</p>
<p>14.8 The resolution of disputes concerning the right of the Metlakatla First Nation to expropriate shall be determined by neutral evaluation, in the same manner as provided in Part IX of the <i>Framework Agreement</i>, with any modifications necessary to fit the parties involved in the expropriation, and the sixty (60) day period referred to in clause 32.6 of the <i>Framework Agreement</i> shall be applied, as appropriate in the circumstance, by the neutral evaluator.</p>	<p>The council must stay with in the law in any expropriation and their right to expropriate must be confirmed by a neutral evaluator. Must allow 60 days to perform the evaluation.</p>
<p>14.9 The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the <i>Framework Agreement</i>, with any modifications necessary to fit the parties involved in the expropriation:</p>	<p>Arbitration will be used to resolve disagreements:</p> <ul style="list-style-type: none"> - concerning rights of the land or interest holder, and - on the payment amount
<p>(a) disputes concerning the right of a holder of an expropriated Interest or Licence to compensation; and</p>	
<p>(b) disputes concerning the amount of the compensation.</p>	

15. Voluntary Exchange of Metlakatla First Nation Reserve Land	
15.1 The Metlakatla First Nation may agree with another party to exchange a parcel of Metlakatla First Nation Land for a parcel of land from that other party in accordance with this <i>Land Code</i> and the <i>Framework Agreement</i> .	MFN may agree to exchange a piece of land with another piece of land outside MFN Lands.
15.2 A land exchange is of no effect unless it receives membership approval in accordance with Part 3 of this Land Code and with clause 14.2 of the <i>Framework Agreement</i> .	Land exchange requires a membership referendum.
15.3 The Lands Management Advisory Committee will oversee the land exchange process.	LMAC will oversee the land exchange process.
15.4 No land exchange may occur unless the land to be received in the exchange meets the following conditions:	A land exchange cannot occur unless the following conditions are met: <ul style="list-style-type: none"> - land to be received must be of equal or greater value - the value of the land to be received is of equal value and - the land to be received must become MFN reserve land
(a) it shall be equal to or greater than the area of the Metlakatla First Nation Reserve Land to be exchanged; or	
(b) it shall be at least comparable to the value of the Metlakatla First Nation Reserve Land; and	
(c) it shall become a reserve and Metlakatla First Nation Reserve Land subject to this <i>Land Code</i> .	
15.5 The person, or entity, who will have authority to negotiate the terms of a land exchange agreement on behalf of the Metlakatla First Nation shall be designated by Council Resolution.	Any negotiators for Metlakatla must be officially appointed by Council in a resolution.
15.6 The Metlakatla First Nation may negotiate to receive other compensation, such as money or additional parcels of lands, in addition to the parcel referred to in clause 15.1 which is intended to become a reserve. Such other parcels of land may be held by the Metlakatla First Nation in fee simple or some other manner.	Additional payment on top of the land to be received, can include money or other parcels of land. These other parcels of land do not have to become reserve land and may be held in fee simple.
15.7 Any funds received from a land exchange agreement will be used for future land acquisitions.	Funds received from an exchange will be used for future purchases of land.

15.8 Once negotiations on the land exchange agreement are concluded, before the vote outlined in Section 12.1, the Committee shall provide Eligible Voters with an information package that describes the land exchange.	Prior to any referendum vote and once an agreement that outlines the terms of the land exchange has been completed, the Lands Committee will provide membership with an information package about the details fo the land exchange.
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PART 5 FINANCIAL ADMINISTRATION

All financial matters administered under this Land Code will be conducted in accordance with the MFN Financial Administration Law (FAL) that was passed in December 2015. The FAL can be found on the Metlakatla Website (www.metlakatla.ca). For more information on the FAL please contact Nicole Gutowski Metlakatla Chief Financial Officer at (250) 628-3234 Ext 2003

A Financial Administration Law (FAL) is a comprehensive set of interrelated rules that form the foundation of the Metlakatla First Nations internal control environment. The FAL is not a means to an end, rather it represents continuous processes and actions that will govern the decision making, management, monitoring and reporting of the financial administration of the First Nation.

Our (FAL) is comprised of 4 sections that form – “best practices” for the establishment and operation of a successful financial administration. Our standards have been developed using existing models and internationally recognized standards dealing with aspects of organizational governance, internal control, enterprise risk management and financial reporting. The standards are meant to satisfy stakeholder and financial market concerns over financial management and reporting.

Metlakatla Land Code Text	Explanation
16. Financial Administration	
16.1 All financial matters, relating to MFN Reserve Lands administered under this Land Code shall be conducted in accordance with the Land Code and the Metlakatla Financial Administration Law, and with all policies or procedures established under it.	All financial matters administered under this Land Code will be conducted in accordance with the MFN FAL.
17. Conflict of Interest	

17.1 In the event of any real, perceived or potential conflict of interest that arises in any matter related to Metlakatla Reserve Land, a Land Law, or this Land Code, the Metlakatla First Nation Conflict of Interest Rules set out in the Financial Administration Law shall apply.	In the event of a conflict of interest issue, the MFN Conflict of Interest Rules set out in the FAL shall apply.
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PART 6 METLAKATLA FIRST NATION RESERVE LAND ADMINISTRATION

This Part lays out how MFN Reserve Lands will be managed and by who. It specifies that Council will appoint a Director of Lands, who will assist with the day-to-day operations of the Lands Department. Council will also appoint a Land Management Advisory Committee to advise the Council on such matters as land laws and policies. The Director of Lands, the Lands Department and the Lands Advisory Committee will ensure that the needs and interests of the membership are considered in land management activities. As outlined in Part 3 Membership input and engagement is an essential component of this Land Code and MFN Reserve Land management.

Metlakatla Land Code Text	Explanation
18. Exercise of Duties	
18.1 Any power, authority or discretion exercised by the Council, the Lands Management Advisory Committee, the Lands Department, the Director of Lands, or other individual or body established or authorized under this Land Code must be exercised on behalf of, and for the benefit and protection of, the Metlakatla First Nation.	The decisions and actions must be made for the benefit of the Metlakatla First Nation and its membership. This is obvious but added for extra clarity.
19. Responsibilities of Council	
19.1 The Council is responsible for all matters relating to the management and administration of MFN Reserve Lands whether or not the responsibilities have been assigned or delegated to an individual or body by or under this Land Code.	Council can assign or delegate responsibilities to an individual or department to carry out. However, regardless of whether or not responsibilities have been delegated out, Council is ultimately responsible for

	all governance, management and administration of MFN reserve lands.
19.2 Despite Section 19.1, and subject to this Land Code and the Framework Agreement, the Council may assign or delegate to the Lands Department, the Director of Lands, or the Lands Management Advisory Committee any of its functions under this Land Code except:	Even though Council has the ability to delegate and assign responsibilities under the previous section, there are still some that Council cannot give to anyone else to carry out. These include:
(a) the granting of Interests in MFN Reserve Lands;	
(b) the negotiation of amendments to the Individual Agreement;	
(c) expropriation of MFN Reserve Lands;	
(d) the establishment of the Lands Management Advisory Committee;	
(e) the enactment of Land Laws; and	
(f) the approval of budgets and financial statements of the Lands Department.	
20. Director of Lands	
20.1 Subject to available budget and qualified candidates, Council shall hire and retain a Director of Lands.	Ideally the Director of Lands position will be filled and the Lands Department will be fully staffed.
20.2 A Director of Lands shall oversee the day-to-day operation of the Lands Department and perform such duties and responsibilities consistent with this Land Code and subsequent Land Laws.	Some of the duties of the Director of Lands includes overseeing the Metlakatla Lands Department and carrying out other responsibilities that are identified under the Land Code.
20.3 Without limiting the generality of Section 20.2, the Director of Lands shall:	Other examples of the Director of Lands responsibilities:
(a) manage the Lands Department;	- oversee the Lands Department and make sure it runs smoothly
(b) coordinate with the Committee;	
(c) assist with the development of MFNs land administration system;	
(d) maintain and protect records in relation to MFN Reserve Lands;	
(e) administer MFN Reserve Lands in accordance with this Land Code and Land Laws;	
(f) recommend to the Council Laws, Resolutions, policies and procedures in relation to MFN Reserve Land;	- provides expert advice to Council on certain matters. This may involve working with lawyers and land use planning consultants.
(g) liaise with other Metlakatla entities as necessary; and	- work with the Metlakatla Stewardship, Public Works and other Departments as necessary.

(h) carry out such additional duties as are requested or directed by the Metlakatla Council or Executive Director consistent with the Land Laws and this Land Code	
20.4 The Director of Lands will comply with the MFN Conflict of Interest Rules for staff as established in the Financial Administration Law	The conflict of interest rules for staff under the Financial Administration Law apply to the Director of Lands and they will be required to follow them.
21. Lands Management Advisory Committee	
21.1 Council will establish a Lands Management Advisory Committee which will consist of 5-9 members.	Council will establish a Lands Committee of 5-9 members.
21.2 Council shall appoint or confirm members to the Lands Management Advisory Committee within a year of the date the Land Code comes into effect.	Council shall appoint or confirm the Lands Committee within a year of the date that the Land Code starts to apply.
21.3 Until Council approves a Terms of Reference and appoints a new Lands Management Advisory Committee, the committee members in place on the date the Land Code comes into effect will serve as the first Lands Management Advisory Committee.	Until Council approves a Terms of Reference and appoints a new Lands Committee, the existing Lands Committee will serve as the first Lands Committee.
21.4 The Director of Lands, in consultation with the Executive Director, will develop and recommend to Council, a Terms of Reference for the Lands Management Advisory Committee which will have provisions that set out:	The Terms of Reference will outline how the Lands Committee will operate and include the following provisions:
(a) the composition of the Committee, including quorum;	- quorum must be achieved before decisions/recommendation can be made at committee meetings
(b) eligibility criteria and process for selecting members of the Committee;	- the TOR will specify the process for selecting people to be on the Committee
(c) the term of office for Committee members;	- the length of time that will people can be on the Committee
(d) the process for selecting a Chair;	- how the Chair is selected
(e) the duties of the Chair; and	- what the Chair of Committee is responsible for
(f) policies for remuneration and recovery of expenses incurred by Committee members.	- any honorariums that will be made available to committee members

21.5 The Lands Management Advisory Committee will have the following responsibilities:	The main objective of the Lands Committee is to ensure that the Metlakatla membership has an input into Land Management.
(a) assist with the development of the MFN Reserve Land administration system;	Some of the other duties and responsibilities of the Committee.
(b) advise Council and its staff on matters respecting MFN Reserve Lands including the granting of Interests and Licences;	
(c) recommend Land Laws, regulations, policies and practices respecting MFN Reserve Lands to Council;	
(d) consult with Members and non-Members on MFN Reserve Lands issues, and to make recommendations on the resolution of those issues to Council;	
(e) oversee Meetings of Members and ratification votes;	
(f) oversee the implementation of the Land Code and Land Laws; and	
(g) perform such other duties as may be delegated or assigned by Resolution or Land Law under this Land Code.	
21.6 The Lands Management Advisory Committee will comply with the MFN Conflict of Interest Rules for committees as established in the Financial Administration Law.	The Lands Committee will have to comply with the Conflict of Interest Rules that are set out in the Metlakatla First Nation Financial Administration Law.
21.7 Subject to 21.5 (c), within a reasonable time after this Land Code takes effect, the Lands Management Advisory Committee shall, in consultation with the Members, ensure that Land Laws, rules and procedures, as may be appropriate, are developed for Council approval, that address the following matters:	Subject to 21.5 (c), the Lands Committee shall in consultation with Members, ensure that Land Laws, rules and procedures are developed for Council approval, that address the following matters:
(a) Land use planning, zoning and development process;	- Land Use Planning and zoning involves ensuring that Metlakatla's Reserve Lands are used appropriately and for the benefit of all Metlakatla members
(b) a member engagement and approval process to develop and implement Land Laws;	- the Committee will make sure that all members are engaged

(c) environmental protection and assessment in relation to Metlakatla First Nation Reserve Land;	- environmental assessment Laws and procedures will be important to put in place as soon as possible
(d) protection of cultural heritage resources;	- cultural heritage resources will be another priority for the Committee
(e) matrimonial real property on reserve under Section 36;	- this is also covered in Section 32
(f) the allotment of available MFN Reserve Lands to eligible Members;	- the committee will undertake an allotment under the new allotment law/policy
(g) monitoring and enforcement processes; and	
(h) any other matter referred by Council.	
21.8 The Lands Committee shall establish rules for approval by Council for the procedure at its meetings and generally for the conduct of its affairs, consistent with those established by Council. These rules will be added as an Appendix to the Committee's Terms of Reference.	The Lands Committee will write rules outlining the processes for holding Lands Committee meetings and carrying out their business that have to be approved by Council. These rules must be consistent with those already established by Council and will be added as an Appendix to the Lands Committee's terms of reference document.

**PART 7
INTERESTS AND LICENCES IN LAND**

This section relates to the operation of the Metlakatla First Nation's lands administration and how it will address existing interests (e.g. Certificates of Possession - CPs) and new land related interests (e.g. CPs or allocations). This section defines that there will need to be written documents, standards created, and that consent will be necessary to process any granting or disposing of assignments of land. This section defines the rights of CP holders and the procedure for cancelling a CP, the transfer and use of a CP, and the situation when a CP holder ceases to be a member. This section also defines the limits on mortgages and seizures, transfers upon death, and the principles for spousal property law (to be made into a Matrimonial Real Property law).

Metlakatla Land Code Text	Explanation
22. Existing Interests	

<p>22.1 Any Interest or Licence in MFN Reserve Lands that existed when this Land Code takes effect will, subject to this Land Code, and any Land Laws passed under it, continue in force in accordance with its terms and conditions.</p>	<p>CPs, Leases, Permits, rights of ways and other easements etc. that were issued before the Land Code will continue with their terms and conditions after the Land Code. Once they expire, Metlakatla can renegotiate their terms and conditions in a new agreement under the Land Code or choose not to reissue the interest.</p>
<p>22.2 For greater certainty, MFN is not liable for any decrease in value or use of any existing or new Interest or Licence arising in relation to a Land Law, land use plan or regulation duly passed in relation to this Land Code.</p>	<p>If there is a change in the rates, procedures or usage of any interest that comes as a result of a law, land use plan or regulation that has been put in place under the Land Code, Metlakatla is not responsible for any changes.</p>
<p>22.3 Council may by Council Resolution, upon receiving compelling evidence or subject to an applicable ruling by a court of competent jurisdiction, confirm, cancel, discharge, amend or correct any Interests or Licence issued or allotted in error or by fraud or that has expired.</p>	<p>If something related to an interests or licences land exists because of error, mistake or fraud the council or a court has the authority to cancel or correct it.</p>
<p>23. New Interests and Licences</p>	
<p>23.1 Any new Interest and Licence must comply with this Land Code, Land Laws, policies and environmental assessment requirements or laws.</p>	<p>CPs , leases, permits, rights of ways, easements and any other new interests that get put in place, must follow all of the Land Code and all Metlakatla laws, policies & environmental assessment requirements that are passed under the Land Code.</p>
<p>23.2 Council may, on behalf of Metlakatla First Nation, grant:</p>	<p>Under this section, Council has the authority to approve and allow for activities and other uses on Metlakatla reserve lands, no longer does the Department of Indian Affairs have a role in this process under the Land Code. Examples of what Council may give approval to and issue an agreement for includes:</p> <ul style="list-style-type: none"> - any interests or licences that allow for use and/or occupancy of the reserve lands, such as CPs, allotments, leases, permits easements and rights of ways
<p>(a) Interests and Licences in MFN Reserve Lands, including certificates of possession, Member allotments, and leases, permits, easements and rights-of-ways;</p>	
<p>(b) Permits and Licences to carry out activities, occupy or take natural resources from MFN Reserve Lands;</p>	
<p>(c) Certificates or other documentation to confirm ownership or another type of Interest in a home, structure or other Interest;</p>	
<p>(d) Life Estates in Interests in MFN Reserve Lands;</p>	

(e) Permits, Easements, statutory rights-of-way and any Interests or Licence for utilities for MFN Reserve Lands;	<ul style="list-style-type: none"> - permission to take resources such as timber, gravel from reserve lands - documents that confirm ownership in a home, structure or other interest (such as a lease) - a life estate interest that would allow for a non-member spouse to keep living in the house until they pass away - Agreements to allow for utilities (BC Hydro, Telus etc.) - Council providing permission for mortgages, and - If a CP, Lease, Licence or other instrument holder agrees, then Council could allow for interests to be issued for the use or removal of resources of those lands.
(f) Consent for mortgages including consent to priorities; and	
(g) With the written consent from a CP-holder, Interests or Licences in CP lands including Permits or Licences to occupy or take natural resources from CP lands.	
23.3 The grant of an Interest or Licence may be made subject to the satisfaction of written conditions.	Council has the authority to add any conditions for environmental concerns or could require bonds to be paid to the interests before any interests would get issued.
23.4 Subject to any Law with more specific provisions, all of the following require a Permit or written authorization from Council or Council's designate:	<p>It will take time to develop Metlakatla's Land Laws so this section ensures that until Metlakatla develops it's Land Laws there are some provisions in place to protect the environment and ensure responsible development.</p> <p>Unless there's a law in place to deal with the activity, written permission from Council is required for any development on Metlakatla reserve lands, this includes the following:</p>
(a) subdivision or division of an Interest;	
(b) any natural resource extraction;	
(c) installation of roads, intersections, rip-rapping, erosion control, dyking, sewer, water, and other infrastructure;	
(d) major renovations of an existing building or new house construction;	
(e) any development or construction that puts structures or people at risk within the flood plain or increases flood risks;	

(f) any development or construction that takes place in or within 30 metres of a fresh water body or fresh water fish habitat;	Fish habitat is very important – must ensure that fish habitat is not damaged.
(g) any development or construction affecting MFN infrastructure (i.e. sewer, roads);	
(h) deposit or removal of more than 10 cubic metres (approximately one dump truck load) of clean, non-polluted soil, gravel or other materials per year per parcel of land; and	
(i) cutting, removal or alteration of any tree over 15 feet tall.	
24. Limits on Interests and Licences	
24.1 An Interest or Licence in MFN Reserve Lands may only be created, granted, disposed of, assigned or transferred by a written Instrument made in accordance with this Land Code and any relevant Land Law.	All agreements and permissions given for activities, interests and licences in the reserve lands must be in writing. Must be in writing.
24.2 Council shall establish mandatory standards, criteria and forms for written instruments, Interests and Licences in MFN Reserve Lands after considering recommendations from the Lands Management Advisory Committee.	Council and the Lands Committee will develop forms and other written instruments for land management activities such as transfers.
24.3 A deed, lease, contract, Instrument, document or agreement of any kind, whether written or oral, by which the Metlakatla First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or Licence in MFN Reserve Lands after the date this Land Code takes effect is void if it contravenes this Land Code or any applicable Land Laws.	Interests and licences must followed this Land Code.
24.4 A non-Member may only hold an easement, lease, licence, mortgage or permit in MFN Reserve Lands but a non-Member may never hold an Allotment or CP.	Only Metlakatla members can hold Certificate of Possession and allotments.
24.5 A person who ceases to be a Member shall, within six months of ceasing to be a Member, transfer any Allotment or CP they hold to MFN or another Member.	If a Member transfers their membership to another First Nation, they have 6 months to transfer their allotment or CP to another Member.

<p>24.6 Where an individual ceases to be a Member and does not transfer their Allotment or CP, the Allotment and any CP issued within six months and one day after the person ceases to be a Member, the Interest shall automatically be cancelled and the MFN Reserve Lands described in the Allotment or CP shall automatically become Community Lands.</p>	<p>If that Member who transferred their membership to another First Nation hasn't transferred their allotment or CP within the 6 month timeframe, then it will go back to Metlakatla First Nation and become community lands.</p>
<p>25. Certificates of Possession and Allotments of Land</p>	
<p>25.1 Subject to the provisions of this Land Code, Council upon recommendations from the Lands Management Advisory Committee, shall establish an Allotment Law, policies and procedures for the allotment of available MFN Reserve Land to Members.</p>	<p>Council will develop an Allotment Law which will specify how Members may apply for an allotment and then a CP on Metlakatla Reserve Lands.</p>
<p>25.2 Council may, in accordance with this Land Code and any Metlakatla Law:</p> <p>(a) Provide an allotment of Land to Members; or</p> <p>(b) issue a certificate of possession to a Member for Land allotted to that Member.</p>	<p>Under the Land Code or a Metlakatla Law, Council can give an allotment of reserve lands to Members or they can issue a CP for that allotment of land.</p>
<p>25.3 Only Members, MFN are entitled to receive an allotment and/or to hold a Certificate of Possession in Metlakatla First Nation Land.</p>	<p>Only Members, or Metlakatla can have a CP in Metlakatla reserve lands.</p>
<p>26. Surveys</p>	
<p>26.1 Metlakatla First Nation may cause surveys to be made of MFN Reserve Lands. Unless otherwise directed by Resolution, all survey must be carried out in accordance with the <i>Canada Lands Surveys Act</i> and the <i>Canada Lands Surveyors Act</i>.</p>	<p>Surveys provide the official boundaries for certain lots and lands. Surveys must be done by a registered professional and be approved by Metlakatla before they are registered.</p>
<p>26.2 The holder of an interest or licence in MFN Reserve Lands may cause surveys to be made of those lands in accordance with the <i>Canada Lands Surveys Act</i> and the <i>Canada Lands Surveyors Act</i> provided they first notify Metlakatla First Nation in writing.</p>	<p>A person who has a CP, lease, permit etc can get a survey done under the <i>Canada Lands Surveys Act</i> and the <i>Canada Lands Surveyors Act</i> once they have notified Metlakatla.</p>
<p>26.3 Unless otherwise stated in a Resolution, a surveyor preparing a survey on MFN Reserve Lands in accordance with</p>	<p>A surveyor who is doing a survey has been given access to carry out the</p>

the <i>Canada Lands Surveyors Act</i> shall have access to MFN Reserve Lands to carry out the survey.	survey works, unless a Council resolution says otherwise.
26.4 All surveys of MFN Reserve Lands prepared by the Surveyor General of Canada or his or her designate shall be deemed for all purposes to accurately describe and identify the boundaries of the lands covered by such survey.	The description and identification of the boundaries of the land will be considered to be the correct boundaries when done by the Surveyor General of Canada.
26.5 Any surveyor must be a registered member of the Association of Land Surveyors under the Land Surveyors Act, and be a non-member and be independent of MFN.	Surveyors must be registered professionals.
26.6 MFN has the right to enter any reserve land for the purpose of installing control survey markers. A person entering occupied lands under this section must provide written notice to the person occupying the land.	Surveys can not be prevented from entering into land for the purposes of doing their job.
26.7 A survey respecting MFN Reserve Lands shall only become effective upon being registered in the First Nations Land Registry.	Surveys must be registered to be enforceable.
27. Transfer and assignment of Interests	
27.1 A Member may transfer or assign an Interest in MFN Reserve Lands to another Member without Council approval or a Meeting of Members.	Council approval is not required for Members to transfer land with each other.
27.2 All transfers or assignments of an Interest or Licence in MFN Reserve Lands require the written consent of Council, except for;	Written consent of Council will be required for all transactions except for: <ul style="list-style-type: none"> - when Members transfer land to one another - any transfers that are required by a Law, for example when a will requires an estate transfer - transfers done under a Matrimonial Real Property Law
(a) transfers under clause 27.1;	
(b) transfers that occur by operation of law, including transfers of estate by testamentary disposition; and	
(c) transfers in accordance with the matrimonial real property on reserve law enacted pursuant to section 30.	
27.3 For transactions under this Section,	For any transfers of CPs, leases, permits, easements, rights of ways etc, done under this part of the Land Code, Metlakatla, its Council, Director of Lands or Lands Committee are not required to conduct monitoring,
(a) Neither Council, the Director of Lands, or the Lands Management Advisory Committee are obligated to undertake any investigations or due diligence and will not be responsible or liable for any breaches of	

those provisions for any representation or warranty made by the Person granting the Interest or Licence; and	compliance or other due diligence requirements and are not responsible for any breaches in the terms and conditions of the agreements. Metlakatla just performs the transfer, it's not their duty to look at the details of the agreement - that is the responsibility of the transferee.
(b) Without restricting the generality of 27.3 (a), neither MFN, the MFN Lands Department, MFN staff, nor the Lands Management Advisory Committee shall be responsible for determining whether an Interest or Licence is in good standing or the terms have been complied with.	
28. Limits on Mortgages and Seizures	
28.1 In accordance with the <i>Framework Agreement</i> , the following provisions of the <i>Indian Act</i> , as amended from time to time, continue to apply to the MFN Reserve Lands:	These sections of the Indian Act will remain unchanged and will remain in effect.
(a) section 29;	Section 29 – reserve land are not subject to seizure for any reason.
(b) section 87;	Section 87 – Reserve lands and property on reserve are exempt from taxation and not taxable.
(c) sub-section 89(1); and	Section 89(1) –Reserve land cannot be mortgaged or subject to seizure by a band or any other person. Only another Member or Council is able to do that.
(d) sub-section 89(2).	Section 89(2) – personal property on reserve is not subject to seizure by anyone other than an Indian or the band.
28.2 The Interest of a Member in MFN Reserve Land may be subject to a mortgage or charge, but only:	Mortgage or other charges can be placed on an interest of Member but only if it's to a Member, to Metlakatla with permission of Council or in accordance with any Metlakatla laws.
(a) to a Member,	
(b) the Metlakatla First Nation with the express written consent of Council, or	
(c) In accordance with MFN Laws on leases and mortgages.	
28.3 A leasehold Interest may be subject to charge or mortgage, but only with the express written consent of Council.	Lease holders can obtain a mortgage with permission of Council.
28.4 The term of any charge or mortgage of a leasehold Interest shall not exceed the term of the lease.	A mortgage term of a lease cannot exceed the length of the actual lease.
28.5 In the event of default in the terms of a charge or mortgage of a leasehold Interest, the leasehold Interest is not	For a mortgage to be legally binding the following conditions must be met: - must have Council's permission

subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or seizure, unless:	<ul style="list-style-type: none"> - mortgage has to be registered in the First Nations Lands Registry - Council gets opportunity to take over the mortgage.
(a) the charge or mortgage received the written consent of Council;	
(b) the charge or mortgage was Registered in the First Nation Lands Register; and	
(c) a reasonable opportunity to redeem the charge or mortgage is given to Council on behalf of Metlakatla First Nation.	
28.6 Subject to prior redemption by the lessee or Member, Council may redeem the charge or mortgage from the charger or mortgagor in possession and shall thereupon acquire all the rights and Interests of the charger or mortgagor and of the lessee or Member for all purposes after the date of the redemption.	MFN becomes the legal mortgage holder if they take it over.
28.7 Council may, by Resolution, waive the requirements of clause 27.6 for any charge or mortgage of a leasehold Interest or Licence.	
29. Registration of Interests and Licences	
29.1 All Interests and Licences must be Registered.	All Interests and Licences must be Registered.
29.2 An Interest or Licence in Metlakatla First Nation Land created or granted after this Land Code takes effect is not valid and not enforceable unless it is Registered in the First Nation Lands Register with the approval of MFN.	An interest or Licence in MFN Land created or granted after this Land Code takes effect is not legally binding unless it is Registered in the FNLR with MFN approval.
29.3 Every person who receives an interest or a purported interest in MFN Reserve Lands shall:	
(a) submit the written Instrument to the Metlakatla Lands Department, together with:	To register documents in a members name they must be submitted to the Metlakatla Lands Department
(i) a written request to Register or record the written Instrument in the First Nations Land Registry,	Metlakatla Lands Department will coordinate the registration of interests.
(ii) a filing fee if applicable, and	
(iii) a signed waiver of liability.	
29.4 Upon receiving the items under paragraph 27.3 (a), the Director of Lands	Documents received by the Director of Lands for registration will make sure

shall confirm if the written Instrument is in compliance with this Land Code, all relevant Laws and the First Nations Land Registry Regulations, and, if it is in compliance, submit the written Instrument and supporting documentation for registration or recording in the First Nations Land Registry.	that the written documents are in line with the Land Code, Metlakatla laws, First Nations Land Registry Regulations before submitting the documentation for recording in the First Nations Land Registry.
29.5 An Instrument granting an Interest or Licence in Metlakatla First Nation Reserve Land that requires the consent of Council, or member approval, shall include a certified copy of the document indicating that the applicable consent or approval has been obtained.	An Instrument granting an Interest or Licence that requires Council, or member approval shall include a certified copy of the document stating that consent or approval has been obtained.
29.6 An Instrument Registered in the First Nation Lands Register which does not include the certificate referred to in clause 29.5 is void.	An Instrument Registered in the FNLR is void if it does not have the proper Members approval documentation with it as required under clause 29.5.
29.7 The Director of Lands shall ensure that a true copy of the following is Registered in the First Nation Lands Register:	The Director of Lands shall ensure that a copies of the following are registered in the First Nations Land Register:
(a) every Land Law, Land use plan, environmental plan, subdivision plan or resource use plan; and	
(b) this Land Code and any amendment to this Land Code.	
30. Residency, Access and Trespass	
30.1 Council in consultation with the Lands Management Advisory Committee, shall develop a Land Law or Land Laws addressing in greater detail, provisions regarding residency, access and trespass.	Council in consultation with the Lands Committee, will develop a more detailed Land Law(s) regarding residency, access and trespass.
30.2 A right of residence or access to MFN Reserve Lands does not create any financial obligation on the part of MFN.	A right to live on or be on MFN Reserve Land does not add any other rights
30.3 Subject to any MFN Laws, any Person who resides on, enters, remains on, or solicits on MFN Reserve Lands other than in accordance with a residence or access right under this Land Code or a Land Law or legally valid Interests or agreement:	Trespass is an offence that can be punished by law

(a) is guilty of an offence, punishable by summary conviction or in accordance with MFN Laws, and	
(b) is subject to immediate eviction from MFN Reserve Lands.	
30.4 Subject to any Laws or bylaws, all civil remedies for trespass are preserved.	Canadian laws and any court procedures continue to apply.
30.5 No liability is imposed upon MFN in respect of any Person exercising a right of residency or access under this Land Code for injuries or damages suffered on account of the condition or state of MFN Reserve Lands.	MFN can not be sued if someone gets hurt on our lands
31. Transfers on Death	
31.1 Unless Metlakatla First Nation is provided jurisdiction in relation to wills and estates, the provisions of the <i>Indian Act</i> dealing with wills and estates shall continue to apply with respect to Interests in MFN Reserve Lands.	Unless MFN is provided jurisdiction over wills and estates, the current procedures under the Indian Act will apply.
31.2 A person who receives an Interest in MFN Reserve Lands by testamentary disposition or succession in accordance with a written decision of the Minister, or his or her designate, pursuant to the <i>Indian Act</i> , is entitled to have that Interest registered in the First Nation Lands Register.	If a person receives an interest in MFN Reserve Lands by a will and with the written decision of the Minister of Indigenous & Northern Affairs Canada or persons appointed by the Minister, that person is entitled to have that interest registered in the First Nation Land Register.
32. Matrimonial Real Property on Reserve Law	
32.1 Council shall enact a matrimonial real property on reserve law providing rules and procedures applicable on the breakdown of a marriage, to:	Council shall enact a MRP on reserve law that lays out the rules and procedures in the instance of a marriage breakdown:
(a) the use, occupancy and possession of MFN Reserve Lands;	
(b) the division of Interests in that Land; and	
(c) the division of the value of improvements in that Land.	
32.2 The rules and procedures contained in the matrimonial real property on reserve law shall be developed and implemented by the Lands Management Advisory Committee in consultation with the Members and approved by Council.	The rules and procedures in the MRP on reserve law shall be developed and implemented by the Lands Committee in consultation with the members and approved by Council.

32.3 The matrimonial real property on reserve law shall be enacted within twenty-four (24) months from the date this Land Code takes effect.	The MRP on reserve law shall be enacted with 2 years from the date the Land Code takes effect.
32.4 For greater certainty, the rules and procedures developed by the Lands Management Advisory Committee under this section shall respect the following general principles:	Rules and procedures developed by the Committee shall respect the following general principles:
(a) the rules and procedures shall not discriminate on the basis of sex; and	Will not discriminate on the basis of sex; and
(b) only Members are entitled to hold an allotment or CP in MFN Reserve Lands or a charge against an allotment or CP in MFN Reserve Lands.	
33. Revenue from Land and Natural Resources	
33.1 The Lands Department shall, subject to the approval of Council, establish the process and recommend any Land Laws, rules and policies for determining:	The Lands Department and Council will make a process and recommend any Land Laws, rules and policies for determining how permits rates and revenue rates will be established. The Committee will also be consulted.
(a) the fees, charges, royalties, rents or other payments for Interests and Licences in MFN Reserve Lands;	
(b) the fees, charges or other payments for services provided in relation to any MFN Reserve Lands; and	
(c) the fees, charges, royalties, rents or other payments to be paid for the taking of natural resources from MFN Reserve Lands.	

**PART 8
DISPUTE RESOLUTION**

This section is created to address how possible disputes that could arise by any benefactor (e.g. Metlakatla member) of the Land Code and how the process for addressing disputes will be conducted. Where possible disputes will be resolved through informal discussion. Where necessary, disputes will resolved through mediation, arbitration, or a court of competent jurisdiction, with each party paying for its own costs.

Metlakatla Land Code Text	Explanation
34. Dispute Resolution	
34.1 Except as otherwise provided in this Part disputes in relation to MFN Reserve Lands or interests in MFN Reserve Lands shall be determined as follows:	Unless it is stated in this Land Code, disputes in relation to MFN Reserve Lands or interests in MFN Reserve Lands shall be resolved as follows:
(a) the parties to the dispute may agree that the dispute may be determined by mediation, arbitration, or other dispute resolution process agreed to by the parties; or	- the people having the disagreement need to decide if they want to go to mediation, arbitration, or something else to resolve their issue, or
(b) if the parties to the dispute do not agree on a dispute resolution mechanism, the dispute may be determined by a court of competent jurisdiction.	- if they cannot agree, the issue can be brought forward for a court decision.
34.2 Nothing in this Part precludes the Council from establishing additional processes or laws for resolving disputes involving the MFN Reserve Land, or restricts the parties' right to pursue remedies in a court of competent jurisdiction at any time.	Council can establish other methods of dispute resolution by passing laws or policies regarding MFN Reserve Land whenever it chooses to. The two people in the dispute can go to court at any time if they choose.
35. Costs	
35.1 Subject to any ruling by an arbitrator, all parties to a dispute must bear their own costs in any dispute resolution process they undertake.	Unless a decision comes from an arbitrator, all parties must pay their own costs in any disputes.
35.2 For greater certainty, MFN is not liable or responsible for the costs of any dispute resolution process under this Part where MFN is not a party.	MFN is responsible for the costs of a dispute.

**PART 9
OFFENCES AND ENFORCEMENT OF LAND LAWS**

This Part specifically deals with Offences and Enforcement of Land Laws. Metlakatla will have a broad array of authority and ability to enforce their Land Laws – enforcement will be a key component of land management. This Land Code allows of the possibility of Metlakatla to appoint their own Justice of the Peace or use a tribal or community justice process.

Metlakatla Land Code Text	Explanation
36. Offences and Enforcement of Land Laws	

<p>36.1 To enforce our Land Code and its Land Laws, Metlakatla First Nation shall have the power to:</p>	<p>Metlakatla needs to enforce this Land Code. Laws without enforcement are not very effective.</p>
<p>(a) establish offences that are punishable on summary conviction;</p>	<p>Can make offences that are punishable on summary conviction;</p>
<p>(b) provide for a variety of enforcement mechanisms including fines, tickets, stop work orders, administrative penalties, mitigative or restorative orders, imprisonment, restitution, community services, and other alternate means for achieving compliance; and</p>	<p>Can impose fines and other alternative means for achieving compliance; and</p>
<p>(c) establish comprehensive enforcement procedures consistent with federal and provincial law, including inspections, searches, stop work orders, seizures and compulsory sampling, testing and the production of information.</p>	<p>Establish comprehensive enforcement procedures consistent with Federal and Provincial law</p>
<p>36.2 A Law may provide for fines consistent with federal law, including fines of up to \$100,000 for violations for specified provisions of the Law.</p>	<p>A law may provide for fines consistent with Federal law including up to \$100,000 for violations.</p>
<p>36.3 A Law relating to environmental protection may include punishments at least equivalent in their effect to any standards established and punishments imposed by laws of the Province of British Columbia and Federal Laws.</p>	<p>Laws relating to environmental protection may include punishments that are at least the same or stronger than the Province of B.C. or Canada. This will ensure that environmental damages related to a spill can be recovered which will adequately restore the environment.</p>
<p>36.4 The Council may enact Laws respecting the use of the Metlakatla Justice Tribunal or the appointment of justices of the peace for the purposes of enforcing this Land Code and the Laws.</p>	<p>Council may enact laws respecting the use of the Metlakatla Justice Tribunal or Justice of the Peace.</p>
<p>36.5 If no justice of the peace is appointed or available, then this Land Code and the Laws shall be enforced through the provincial courts.</p>	<p>If the band has no Justice of the Peace, provincial court judges can decide legal issues and settle disputes.</p>
<p>36.6 Council may enact laws or develop policies to enable appropriate enforcement issues and disputes to be dealt with</p>	<p>Council may enact laws or develop policies to deal with enforcement issues</p>

through a relevant tribal or community justice process.	and disputes through a tribal or community justice process.
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PART 10 OTHER MATTERS

This section defines four (or more) items to address common issues such as:

1. Liability- Metlakatla is not responsible for issues that occurred prior to the Land Code coming in to effect. Canada continues to be responsible for things that happened under their authority under the Indian Act,
2. Amendments to Land Code- outlines what types of changes could be done without community approval by way of a ratification vote what types of changes to the Land Code would require community consent via a ratification vote and the process for amending this Land Code,
3. Commencement- defines when the actual start date will be, and
4. Review – Land Code review period.

Metlakatla Land Code Text	Explanation
37. Liability	
37.1 MFN is not liable for acts or omissions of Canada or any person or entity authorized by Canada to act in relation to MFN Reserve Lands that occurred before this Land Code came into effect.	MFN is not responsible for the past issues, such as environmental contamination that happened under the <i>Indian Act</i> . The Federal government is liable and has to clean it up.
38. Land Code Amendments	
38.1 As per Section 12.1, Member approval by ratification vote shall be obtained for a major amendment to this Land Code.	Any major changes to this Land Code will need Member approval by ratification vote. A majority must vote for the changes.
39. Minor Revisions to Land Code	
39.1 Despite section 38, a ratification vote is not required for revisions made to this Land Code that do not change the substance of this Land Code. Council may, from time to time, arrange and revise this Land Code. Revisions may be made as a result of, but are not limited to:	Council can do minor changes, as long as they don't change the substance of the Land Code. These minor changes do not need to be voted on. This is a list of examples of changes that can be made:
(a) an amendment of the description of MFN Reserve Lands subject to this Land Code and Individual Agreement;	An change to the description of MFN Reserve lands;

(b) a reference in this Land Code to a clause in another act or document that was amended and resulted in clause renumbering;	If a reference in this Land Code needs to change, because of the document the reference was from was amended, and the clause numbering changed;
(c) a reference in this Land Code to an Act or parts thereof that have expired, have been repealed or suspended;	If a reference in this Land Code to an Act or parts of an Act have expired, been changed or suspended;
(d) changes in this Land Code as are required to reconcile seeming inconsistencies with other acts;	Changes that are made to fix any inconsistencies between this Land Code and other acts;
(e) minor improvements in the language as may be required to bring out more clearly the intention of the Metlakatla First Nation without changing the substance of this Land Code; and	Minor improvements in the language, to improve the wording of the Land Code and without changing the substance of the Land Code; and
(f) correct editing, grammatical or typographical errors.	Fix any spelling or grammar mistakes.
40. Commencement	
40.1 This Land Code shall take effect if the community approves this Land Code and the Individual Agreement with Canada and this Land Code has been certified by the verifier pursuant to the <i>Framework Agreement</i> .	The Land Code can only apply after Metlakatla Members have approved both the Land Code and the Individual Agreement at a ratification vote and once the Verifier has certified that the Land Code meets the requirements of the Framework Agreement on First Nation Land Management.
40.2 This Land Code shall take effect on the first day of the month following:	The Land Code would apply on the first day of the month following the date that the Land Code was certified by the Verifier and the Individual Agreement was been signed by the Minister of Indigenous and Northern Affairs Canada.
(a) certification of this Land Code by the verifier; and	
(b) the signing of the Individual Agreement by Canada.	
41. Metlakatla Land Code Review	
41.1 At least every 3 years, the Metlakatla Lands Advisory Committee shall conduct a review of this Land Code to identify and recommend any improvements to Council.	A review of the Land Code will be done at least every 3 years by the Lands Committee and any improvements that are identified will be recommended to Council for potential amendment.

Thank you for taking the time to read this document. If you have any further questions please do not hesitate to contact the Metlakatla Lands Department at (250) 628-3234 Ext 2009 or lands@metlakatla.ca. Philip or Kiesha will be happy to discuss this Land Code further.

The Land Code Ratification Vote will be October 13,14,15 or members may vote using electronic or mail-in ballot.