Land Use Law
Aki Naakinegewin

Atikameksheng Anishnawbek
Land Use Law No. 2020-01

1. PREAMBLE

WHEREAS Atikameksheng Anishnawbek has a profound relationship with the land which dates back to time immemorial and we are proud of our rich Anishnawbek heritage;

WHEREAS Ghi jemminado (the Creator) has placed us here to uphold our sacred obligations to Shkagamik-kwe (Mother Earth), our Nation, our clans, and our families;

WHEREAS the Gchi-Naaknigewin is based on oral traditions developed after much discourse throughout history by generations of Atikameksheng Anishnawbek and constitutes the supreme and defining law of Atikameksheng Anishnawbek;

WHEREAS Atikameksheng Anishnawbek has jurisdiction and authority over Atikameksheng Anishnawbek lands, resources and interests in Atikameksheng Anishnawbek lands pursuant to the Atikameksheng Anishnawbek Land Code, September 2008;

WHEREAS it is in the interests of Atikameksheng Anishnawbek to enact a Law addressing housing, transportation, parks, economic development, infrastructure, social, cultural, environment and other needs in the use and development of Atikameksheng Anishnawbek lands;

NOW THEREFORE Atikameksheng Anishnawbek enacts Land Use Plan and Zoning Regulation procedures for variance and other matters through this Law.

2. DEFINITIONS AND INTERPRETATION

Title

This Law may be cited as the "Atikameksheng Anishnawbek Land Use Law".

2.2 Definitions

In this Law, unless the context otherwise requires:

Atikameksheng Anishnawbek Planning & Infrastructure Department means the Atikameksheng Anishnawbek Lands, Engineering, Planning, and Public Works Departments that are currently operating as a joint department. This joint department may be restructured or renamed from time to time.

Building Inspector means the person appointed by Gimaa and Council from time to time, or with whom Gimaa and Council has an agreement, to act as building inspector for the purpose of enforcing the provisions of this Law.

Gchi Naaknigewin means Atikameksheng Anishnawbek Constitution July 24, 2015;
Interest Holder means the holder of an Allotment, Leasehold, or Sub-leasehold interest in the Atikameksheng Anishnawbek Lands.

Lands Committee means Atikameksheng Anishnawbek Lands Committee established under *The Atikameksheng Anishnawbek Land Code Revision 7, September 2008*;

Land Use Designation means the land use designations (classifications) as defined in Schedule "A" Land Use Plan (Section 3), with corresponding figures in the Land Use Plan Maps;

Land Use Plan means the plan addressing housing, transportation, parks, economic development, infrastructure, social, cultural, environment, and other needs in the use and development of Atikameksheng Anishnawbek Lands attached as Schedule "A" to this Law;

Servicing Maps means the plans attached as Schedule "C" to this Law setting out the current and long-term servicing and infrastructure plans for Atikameksheng Anishnawbek Lands;

Undue Hardship means special or specified circumstances that partially or fully exempt a person or organization from performance of a legal obligation so as to avoid an unreasonable or disproportionate burden or obstacle;

Zoning Designation means the zoning designation as set out in the zoning maps in the Zoning Regulations;

Zoning Regulation means the Atikameksheng Anishnawbek Zoning Regulation attached as Schedule "B" to this Law.

3. GENERAL

a) Except as otherwise provided in this Law, all use of Atikameksheng Anishnawbek Lands must conform to the Land Use Plan and Zoning Regulation.

b) Notwithstanding any provision in the Land Use Plan or Zoning Regulation, a Member who holds a Certificate Occupation or Certificate of Possession in Atikameksheng Anishnawbek shall not alter the lot they have been provided, in any way, unless an Environmental Assessment is completed and permission is granted by Gimaa and Council.

c) Notwithstanding any provision in the Land Use Plan or Zoning Regulation, a Member who holds a Certificate of Occupation or Certificate of Possession in Atikameksheng Anishnawbek Lands is permitted to construct one single family residential dwelling on the parcel of land described in that Certificate of Occupation or Certificate of Possession for use by themselves or their immediate family.

d) Council may by Resolution establish fees payable in respect of applications under this Law. A copy of Resolutions setting out the current fees payable must be available for viewing free of charge at the administrative offices of Atikameksheng Anishnawbek and available for distribution at a nominal charge.

4. LAND USE PRINCIPLES

4.1 Adoption

Atikameksheng Anishnawbek Land Use Principles set out below are hereby adopted as the principles that shall guide the interpretation of the Land Use Plan and Zoning Regulation, the consideration of applications for amendments to the Land Use Designation or Zoning Designation or for a variance under this Law.

4.2 Land Use Principles

The Atikameksheng Anishnawbek Land Use Principles are as follows:

a. To preserve and conserve the natural environment by adopting land use and development policies which ensure the protection and enhancement of the natural environment including the air, water and land.

b. To plan for an adequate supply and mix of housing types and densities (*examples include a mix of single detached dwellings, semi-detached dwellings, town housing and apartments)* needed to meet current and projected housing demands, and to provide a safe and affordable living environment for members;

c. To develop housing and neighbourhoods that are safe and inclusive;

d. To promote health and well-being through planning, and developing a healthy community that fosters opportunities for economic, educational, spiritual, health, recreation, and social development;

e. To support local food production and food security through provisions for community gardens, farmer's markets, healthy food retailers, greenhouses and local food production as per the zoning regulations;

f. To restore, conserve and promote Atikameksheng Anishnawbek cultural heritage resources through education and community initiatives as well as through land use planning;

g. To encourage our youth to take an active role in the protection of our lands and resources;

h. To ensure that an adequate level of infrastructure, electricity generation facilities and transmission and distribution systems, and community services are or will be available to meet current and future projected needs in a safe, efficient and environmentally sustainable manner within the financial capacity of Atikameksheng Anishnawbek;

i. To promote a development pattern that is efficient and economical for Atikameksheng Anishnawbek;

j. To promote opportunities for energy conservation and especially alternative energy generation;

k. To promote an efficient and sustainable land use pattern through land use decision making;

l. To improve accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;

m. To establish a clear plan for land use through the Land use Plan and Zoning Regulation to provide stability and predictability for the development of Atikameksheng Anishnawbek Lands; and

n. To ensure a transparent, consistent and credible process for the development of Atikameksheng Anishnawbek Lands.

5. LAND USE PLAN

Adoption

Atikameksheng Anishnawbek Land Use Plan attached here as Schedule "A" is adopted as the Land Use Plan of Atikameksheng Anishnawbek.

Land Use Plan Amendment

a) Where a proposed land use does not conform to the policies of the Land Use Plan, Gimaa and Council may consider a Land Use Plan Amendment after proper consultation with Atikameksheng Anishnawbek members in accordance with the Land Code.

b) The following do not require a Land Use Plan Amendment provided the changes do not change the intent of the policies of the Land Use Plan:

i. Formatting, renumbering, grammatical or spelling errors
ii. Minor changes or corrections to Land Use Designation which may be required to correct a boundary to coincide with a lot boundary, road, waterbody, or other physical feature
iii. Minor changes to the numbers or quantities in the Land Use Plan

c) The following procedural steps shall be followed when filing a Land Use Plan Amendment application:

1. *Pre-Consultation Meeting*

Mandatory Pre-Consultation between Proponent and Atikameksheng Anishnawbek Lands Manager. The Lands Manager will identify additional information that is required in order to review the application. This may include studies as outlined in the Land Use Plan,

such as an environmental impact study or a servicing options report. Proponent should bring a detailed proposal to the pre-consultation meeting which includes:

i. Location and description of the subject lands;
ii. Approximate area of subject lands;
iii. Whether the proposed amendment changes, replaces or deletes a policy in the Land Use Plan. If yes, what is the policy to be changed, replaced or deleted;
iv. Whether the proposed amendment adds a policy to the Land Use Plan;
v. The purpose of the proposed Land Use Plan Amendment;
vi. The current designation of the subject land in the Land Use Plan and what that designation authorizes;
vii. Whether the proposed amendment changes or replaces a designation in the Land Use Plan, the designation to be changed or replaced, and if so, which designation.
viii. The land uses that the proposed amendment would authorize;
ix. How water and sewage disposal will be provided to the subject lands;
x. If the proposed amendment would permit development on a privately owned and operated individual or communal septic system; and
xi. Whether the proposed amendment conforms to the policies of the Land Use Plan and other Atikameksheng Anishnawbek laws.

2. *Filing an Application for Land Use Plan Amendment*

Following the mandatory pre-consultation, the applicant shall file an application with the Atikameksheng Anishnawbek administration office. This application should include a (1) map, sketch, or survey to show the location of the property or properties (lands) affected by the amendment along with (2) any required supporting studies requested by the Lands Manager and (3) application fee. The application shall be signed including a statement that the contents and intent are true.

3. *Internal Review*

The Lands Manager will review the application along with any other supporting technical information or studies required. The Lands Manager shall prepare a report outlining staff's recommendations with respect to the proposed amendment. The Lands Manager may recommend that the application be approved, refused, or deferred pending the fulfillment of certain conditions (e.g., any further studies or measures that may be required arising from existing technical information). This review shall consider the proposal in light of the policies outlined in the Land Use Plan in addition to the following criteria:

i. The need for the proposed use;
ii. The location and physical suitability of the site;
iii. The adequacy of the road and transportation systems and points of access to safely accommodate the site;
iv. The adequacy of the potable water supply and sewage disposal facilities;
v. Whether drainage and storm water can be appropriately addressed;

vi. The compatibility of the proposed use with adjacent and neighboring land uses;
vii. Other matters deemed necessary in the best interests of Atikameksheng Anishnawbek.

The application will be reviewed within 30 days upon which Atikameksheng Anishnawbek shall issue a written statement indicating whether the application is complete or not. Upon the declaration of the application to be complete, Atikameksheng Anishnawbek shall circulate the application to affected agencies, under the direction of the Lands Manager, for comments.

4. *Community Consultation*

Atikameksheng Anishnawbek shall hold a community meeting for the purpose of hearing anyone who wishes to support or oppose the proposed Land Use Plan Amendment. Written submissions and or oral presentations shall be accepted and a public record shall be kept of the proceedings of the meeting. This community meeting shall be held within 60 days of receiving a completed application, and after a minimum of 14 days' after public notice of the meeting. The notice shall describe the purpose of the application for the amendment, the time and location of the community meeting and the person to who comments for or against the proposed amendment shall be sent. The notice of the meeting shall be posted in the community, and may be also posted elsewhere. Atikameksheng Anishnawbek may require the applicant to place a land marking card on the property in a location visible to the public.

5. *Decision*

The Gimaa and Council of Atikameksheng Anishnawbek may approve, modify or refuse the application. Where the application is refused, Atikameksheng Anishnawbek shall give written reasons for the refusal.

Atikameksheng Anishnawbek shall issue a notice to the applicant and to anyone who requested in writing to be notified. The notice shall indicate whether the application has been approved, modified or refused and shall be issued within 15 days of the date of the decision. The notice of a decision approving an application including any modification thereto shall be conclusive evidence that the Land Use Plan has been amended.

6. *Land Use Plan Amendment*

The details of the amendment shall be consolidated into the Land Use Plan and shall be deemed to be part of the Land Use Plan.

6. ZONING REGULATION

6.1 Adoption

Atikameksheng Anishnawbek Zoning Regulation attached hereto as Schedule "B" is adopted

as the Atikameksheng Anishnawbek Zoning Regulation.

6.2 Zoning Regulation Amendment

a) Except where an amendment to the Zoning Designation is proposed as part of a proposed amendment to the Land Use Designation, all amendments to the Zoning Designation shall be made under section 7 of this Law.

b) The following do not require a Zoning Regulation Amendment provided the changes do not change the intent of the policies of the Zoning Regulation, and provided the proposed Zoning Regulation Amendment complies with the Land Use Plan:

   i. Formatting, renumbering, grammatical or spelling errors
   ii. Minor changes to the numbers or quantities in the Zoning Regulation

c) The following procedural steps shall be followed when filing a Zoning Regulation Amendment application:

1. *Pre-Consultation Meeting*

   Mandatory Pre-Consultation between applicant and Atikameksheng Anishnawbek Lands Manager. The Lands Manager will identify whether additional information, reports or studies are required to support the proposed Zoning Regulation Amendment. The applicant will be given an application form to complete.

2. *Filing an Application for Zoning Regulation Amendment*

   The applicant shall file their application with the Atikameksheng Anishnawbek administration office. This application should include applicable application fees. The application shall be signed including a statement that the contents and intent are true.

3. *Internal Staff Review*

   The Lands Manager will review the application along with any other supporting technical information or studies required. The Lands Manager will consult with other staff and may circulate the application to other agencies for comments. After the internal review is complete, the Lands Manager will prepare a Planning Report. The purpose of the Planning Report is to provide an evaluation of the land use merits of the application and whether the application complies with the Zoning Regulation, and any other relevant regulatory documents of Atikameksheng Anishnawbek.

4. *External Review by Lands Committee and/or Gimaa and Council*

   The Lands Manager will present the Planning Report to the Gimaa and Council or the Lands Committee. The Lands Manager will then prepare a Final Report based on the comments received from the aforementioned parties. The Lands Manager will then (1) prepare a draft Zoning Regulation Amendment and (2) request that a date be set for a community meeting.

5. *Community Consultation*

Atikameksheng Anishnawbek shall hold a community meeting for the purpose of hearing anyone who wishes to support or oppose the proposed Zoning Regulation Amendment application, and the Planning Report. Written submissions and or oral presentations shall be accepted, and a public record shall be kept of the proceedings of the meeting. This community meeting shall be held within 60 days of receiving a completed application, and after a minimum of 20 days' after public notice of the meeting. The notice shall describe the purpose of the application for the amendment, the time and location of the community meeting and the person to who comments for or against the proposed amendment shall be sent. The notice of the meeting shall be posted in the community and may be also posted elsewhere. Regardless of notice advertisement option taken, the notice must be mailed to all interest holders within 120 m of the property within the application. Atikameksheng Anishnawbek may require the applicant to place a land marking card on the property in a location visible to the public.

6. *Decision*

Gimaa and Council may approve, modify or refuse the application. This decision can be made following the community meeting, a subsequent community meeting, or may defer if additional information is required. The Lands Manager must give written notice of the decision to the applicant within 15 days of Gimaa and Council's decision. The notice of a decision approving an application including any modification thereto shall be conclusive evidence that the Land Use Plan has been amended.

7. *Zoning Regulation Amendment*

The details of the Zoning Regulation Amendment shall be consolidated into the Zoning Regulation and shall be deemed to be part of the Zoning Regulation. The amendment takes effect on the day it was passed by Gimaa and Council.

7. SERVICING MAPS

Adoption

Atikameksheng Anishnawbek Servicing Maps attached hereto as Schedule "C" are adopted as Atikameksheng Anishnawbek Servicing Maps.

Servicing Maps Amendment

a) Except where an amendment to the Servicing Maps is proposed as part of a proposed amendment to the Land Use Designation, all amendments to the Servicing Maps shall be made under section 7 of this Law.

b) The following do not require a Servicing Maps Amendment provided the changes do not change the intent of the policies of the Servicing Maps, and provided the proposed Servicing Maps Amendment complies with the Land Use Plan:

i. Formatting, renumbering, grammatical or spelling errors
ii. Minor changes or corrections to Servicing Maps which may be required to correct a boundary to coincide with a lot boundary, road, waterbody, or other physical feature

c) The following procedural steps shall be followed when filing a Servicing Maps Amendment application:

1. *Pre-Consultation Meeting*

Mandatory Pre-Consultation between applicant and Atikameksheng Anishnawbek Lands Manager. The Lands Manager will identify whether additional information, reports or studies are required to support the proposed Servicing Maps Amendment. The applicant will be given an application form to complete.

2. *Filing an Application for Servicing Maps Amendment*

The applicant shall file their application with the Atikameksheng Anishnawbek administration office. This application should include applicable application fees. The application shall be signed including a statement that the contents and intent are true.

3. *Internal Staff Review*

The Lands Manager will review the application along with any other supporting technical information or studies required. The Lands Manager will consult with other staff and may circulate the application to other agencies for comments. After the internal review is complete, the Lands Manager will prepare a Planning Report. The purpose of the Planning Report is to provide an evaluation of the land use merits of the application and whether the application complies with the Land Use Plan, and any other relevant regulatory documents of Atikameksheng Anishnawbek.

4. *External Review by Lands Committee and/or Gimaa and Council*

The Lands Manager will present the Planning Report to the Gimaa and Council or the Lands Committee. The Lands Manager will then prepare a Final Report based on the comments received from the aforementioned parties. The Lands Manager will then (1) prepare a draft Servicing Maps Amendment and (2) request that a date be set for a community meeting.

5. *Community Consultation*

Atikameksheng Anishnawbek shall hold a community meeting for the purpose of hearing anyone who wishes to support or oppose the proposed Servicing Maps Amendment application, and the Planning Report. Written submissions and or oral presentations shall be accepted and a public record shall be kept of the proceedings of the meeting. This community meeting shall be held within 60 days of receiving a completed application, and after a minimum of 20 days' after public notice of the meeting. The notice shall describe the purpose of the application for the amendment, the time and location of the community meeting and the person to who comments for or against the proposed amendment shall be

sent. The notice of the meeting shall be posted in the community and may be also posted elsewhere. Regardless of notice advertisement option taken, the notice must be mailed to all interest holders within 120 m of the property within the application. Atikameksheng Anishnawbek may require the applicant to place a land marking card on the property in a location visible to the public.

6. *Decision*

Gimaa and Council may approve, modify or refuse the application. This decision can be made following the community meeting, a subsequent community meeting, or may defer if additional information is required. The Lands Manager must give written notice of the decision to the applicant within 15 days of Gimaa and Council's decision. The notice of a decision approving an application including any modification thereto shall be conclusive evidence that the Land Use Plan has been amended.

7. *Servicing Maps Amendment*

The details of the Servicing Maps Amendment shall be consolidated into the Servicing Maps and shall be deemed to be part of the Servicing Maps. The amendment takes effect on the day it was passed by Gimaa and Council.

8. VARIANCE

A person may apply to the Lands Committee for a variance in accordance with this Land Use Law, including Schedule "A" Land Use Plan, Schedule "B" Zoning Regulation, and Schedule "C" Servicing Maps.

8.1 Application for Variance

a) A person may apply to the Lands Committee for a variance if it would cause the person undue hardship or is in non-compliance of the following:

i. The site dimensions, site coverage, or size of a building or structure; and
ii. The prohibition of a structural alteration, addition or replacement of a building or other structure permitted as a non-conforming use.

b) The granting of a variance by the Lands Committee under this Law will not relieve the applicant from also complying with the provisions of any Atikameksheng Anishnawbek Law, Regulation, Federal Act, Provincial Act, or any legally binding agreement to which the applicant is a party too.

c) The following procedural steps shall be followed when filing a Variance Application:

1. *Application Process*

The applicant will meet with the Lands Manager. The applicant will receive a Variance Application to complete. The applicant will include the following in their application:

i. The completed application form;
ii. Documentation of current ownership;
iii. A description of the variance requested;
iv. The reasons for requesting the proposed variance; and
v. A map showing the geographical boundary of the area affected by the proposed variance including adjacent properties

The applicant will then submit this completed application to the Lands Committee for review.

2. *Lands Committee 1st Review*

The Lands Committee will meet to discuss the application in accordance with Lands Committee Meeting procedures in Section 10 of this Land Use Law. The Lands Committee must determine that undue hardship would be caused to the applicant if required to comply with Atikameksheng Anishnawbek Law. The Lands Committee must also determine that the proposed variance does not:

i. Result in inappropriate development of the site;
ii. Adversely affect the natural environment, heritage sites or culturally sensitive areas;
iii. Substantially affect the use and enjoyment of adjacent land;
iv. Change the permitted uses or densities under the Zoning Regulation or the Land Use Plan; or
v. Defeat the intent of the Zoning Regulation or the Land Use Plan.

3. *Interest Holders*

Where the Lands Committee receives a Variance Application, the Lands Committee must notify all affected interest holders. The notice for Variance must state:

i. The subject matter of the application,
ii. The time within which the recipient may send written comments on the application to the Lands Committee; and
iii. The place where the comments shall be sent.

The obligation to give notice for Variance to affected interest holders will be satisfied if the Lands Committee made reasonable effort to mail or otherwise deliver the notice. A copy of the comments received by the Lands Committee shall be provided to the person applying for a Variance on or before the hearing of the application. No Variance Application shall be heard by the Lands Committee, unless the Lands Committee has complied with this section.

4. *Lands Committee Meeting with Applicant*

The Lands Committee will meet with the applicant and discuss the Variance Application. The Lands Committee shall give notice to the applicant at least five (5) business days before the date of a meeting, specifying the place, day and time where the application shall be heard. Notice shall be given to the applicant by mail or delivery at the address provided on the application.

5. *Decision*

The Lands Committee will meet again, and decide whether to approve, or reject the Variance Application. This meeting will be in accordance with Lands Committee Meeting procedures in Section 10 of this Land Use Law. If the application is rejected, the Lands Committee must provide written reasons for their decision. If the application is approved, then the Lands Committee will order a minor variance be permitted from the requirements of Atikameksheng Anishnawbek Law.

9. NON-CONFORMING USES

9.1 Grandfather Rule for Non-Conforming Uses

If at the time this Law comes into force:

a. A land or building or other structure, is lawfully used; and

b. The use does not conform to the uses permitted under this Law,

the use may be continued as a non-conforming use. This can also be referred to as being "grandfathered in". However, if the non-conforming use is discontinued for a period of six months any subsequent use of the land, building or other structure becomes subject to this Law.

9.2 Application of Non-Confirming Uses

Where a Development Permit/Certificate of Possession/Certificate of Occupation has been issued for a building or other structure at the time this Law comes into force, any building or structure subsequently built in accordance with that Development Permit/Certificate of Possession/Certificate of Occupation is subject to all regulations within this Land Use Law.

a. A building or other structure existing at that time; and

b. Then in use for its intended purpose as determined from the building permit authorizing its construction.

a. If sections 9.1 authorize a non-conforming use of part of a building or other structure to continue, the whole of that building or other structure may be used for that non-

conforming use.

b. A structural alteration or addition, except one that is required under Atikameksheng Anishnawbek Law or permitted by the Lands Committee must not be made to a building or other structure while the non-conforming use is continued.

c. Nothing in this Part authorizes the non-conforming use to be continued on a scale or to an extent or degree greater than that at the time this Law comes into force.

d. For the purposes of this part, a change of owners, tenants or occupants of any land, building or other structure does not change the use of the land, building or other structure.

e. If a building or other structure, the use of which does not conform to the provisions of this Land Use Law is damaged or destroyed to the extent of less than 75% of its value above its foundations, as determined by the Building Inspector, it can be repaired or reconstructed to continue the non-conforming use permitted under this Law.

f. Unless as permitted by the Lands Committee, if a building or other structure, the use of which does not conform to the provisions of this Law is damaged or destroyed to the extent of 75% or more of its value above its foundations as determined by the Gimaa and Council appointed Building Inspector, must not be repaired or reconstructed except as a conforming use under this Law.

10. Lands Committee

Atikameksheng Anishnawbek Lands Committee was established under *The Atikameksheng Anishnawbek Land Code Revision 7, September 2008.*

10.1 Composition of the Lands Committee

See section 26 of the Atikameksheng Anishnawbek (Whitefish Lake) Land Management Code.

10.2 Role of the Lands Committee

The Lands Committee, will:

a. If requested by the Lands Manager, provide an external review of Zoning Regulation Amendment application;

b. Evaluate and make decisions for Variance applications;

c. Establish policies and procedures for operation of the Lands Committee and the carrying out of its duties that are not inconsistent with this Law, Atikameksheng Anishnawbek (Whitefish Lake) Land Management Code, and the Atikameksheng

Anishnawbek Constitution; and

d. Carry out other duties and responsibilities as may be assigned to the Lands Committee under this Law.

Lands Committee Meetings

a. The Lands Committee shall meet as required to carry out its duties under this Law.

b. The Chairperson shall give notice to Lands Committee members at least five (5) business days before the date of a meeting specifying the place, day and time of the meeting.

c. Notice of the meeting may be given to a Lands Committee member either personally, by telephone, facsimile or e-mail at the telephone number or e-mail address provided by the Lands Committee member.

d. The Lands Committee shall meet on Atikameksheng Anishnawbek Lands. Lands Committee meetings shall be closed to all persons except Lands Committee members, the applicant and invited Atikameksheng Anishnawbek employees or representatives provided that the Lands Committee may by vote invite such other persons as may be required to provide information to assist the Lands Committee in considering the application.

e. Atikameksheng Anishnawbek shall appoint a Lands Management staff person to act as secretary to the Lands Committee, and the secretary shall;

   i. Take attendance of Lands Committee members present at meetings;
   ii. Record decisions and votes at meetings; and
   iii. Perform such other duties, consistent with this Law, as may be assigned to the secretary by the Lands Committee

f. The secretary to the Lands Committee shall, in a timely manner and by mail or delivery to the address provided on the application, provide copies of records of decisions to an applicant and to Gimaa and Council.

g. All records of decisions of the Lands Committee shall be retained by the Lands Committee at the Atikameksheng Anishnawbek administration building and copies may be obtained upon payment of an applicable fee.

h. The Lands Committee may, subject to this Law, establish rules for its procedure at meetings and no rule made by the Lands Committee invalidates a prior act that would have been valid if that rule had not been made.

Quorum

a. A quorum shall exist when at least 4 (four) voting members of the Committee are present;

b. If a quorum is not present, all decisions and recommendations shall be tabled until the next meeting or when a quorum is reached.

Voting

a. Majority shall be used to decide on all matters.

b. In order to ensure the minutes are clear and concise, and that all decisions are registered, the Chairperson shall describe the decision that has been made and the Lands staff shall enter it into the minutes.

c. Lands Committee members shall refrain from participating in discussion and matters where potential, perceived or real conflict of interest exists;

d. Once the Lands Committee reaches a decision, each member of the Committee shall respect and support that decision, regardless of how any particular Committee member voted.

10.6 Conflict of Interest

a. Conflict of interest is a situation in which a person has a private or personal interest sufficient to influence the issues of the day. When Committee members find themselves in a position of a real, apparent or potential conflict of interest, that Committee member shall openly declare the conflict to the Committee.

b. A Committee member in the real, apparent or potential conflict of interest, shall refrain from any involvement in the discussion or voting, and shall remove themselves from the room until the issue is decided upon

10.7 Confidentiality

a. At the beginning of each term, each Lands Committee member will sign a confidentiality agreement or an oath of confidentiality. The confidentiality agreement or oath of confidentiality will be reviewed and signed on an annual basis.

b. Lands Committee members shall not release information received by them in their work with the Lands Committee or information relating to the deliberation's proceedings or other matters of the Lands Committee unless:

   i. The information is public under Atikameksheng Anishnawbek Law or other applicable laws; or
   ii. The information that the Lands Committee, by vote of members at a meeting, decides to release.

Appeals

A decision of the Lands Committee under this framework is final.

11. APPLICATION OF LAW

Compliance with this Land Use Law, Land Use Plan or Zoning Regulation will not relieve the person from complying with the provisions of the other applicable Provincial or Federal Acts, Regulations, or Laws of Atikameksheng Anishnawbek.

11.2 If any statement, section, sub-section, clause, sub-clause or phrase of this Law, including its appendixes, is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Law and its appendixes.

11.3 The headings given to the sections and paragraphs in this Law, Land Use Plan, and Zoning Regulation adopted by this Law are for convenience of reference only. They do not form part of this Law, Land Use Plan or Zoning Regulation and will not be used in the interpretation of this Law, Land Use Plan or Zoning Regulation.

12. IMMUITY

12.1 No action for damages lies or may be instituted against present or past Gimaa and Council, or members, employees, servants or agents of either Atikameksheng Anishnawbek:

For anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or

For any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.

12.2 Section 12.1 does not provide a defence if:

a. Gimaa and Council, or members, employees, servants or agents of Atikameksheng Anishnawbek have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence, malicious or willful misconduct; or

b. The cause of action is libel or slander.

12.3 Atikameksheng Anishnawbek, present or past Gimaa and Council, or members, employees, servants, or agents of any of Atikameksheng Anishnawbek, is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or

detect any contravention of this Law or any other Atikameksheng Anishnawbek Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Atikameksheng Anishnawbek Law.

All actions against Atikameksheng Anishnawbek for the unlawful doing of anything that:

a. Is purported to have been done by Atikameksheng Anishnawbek under the powers conferred by this Law or any Atikameksheng Anishnawbek Law, and

b. Might have been lawfully done by Atikameksheng Anishnawbek if acting in the manner established by this law,

c. Must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Gimaa and Council in a particular case, but not afterwards.

12.5 Atikameksheng Anishnawbek is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Atikameksheng Anishnawbek, within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes:

a. There was reasonable excuse, and

b. Atikameksheng Anishnawbek has not been prejudiced in its defence by the failure or insufficiency.

13. PENALTY and ENFORCEMENT

a. In addition to any other penalty or liability, any person who violates any provision of this Law adopted by this Law is guilty of an offence and liable upon summary conviction to a fine of up to ten thousand ($10,000) dollars or to a term of imprisonment not exceeding thirty (30) days, or both.

b. This Law may be enforced by any person who is appointed to do so by the Atikameksheng Anishnawbek Gimaa and Council, and will follow any enforcement laws, regulations or bylaws, which may be approved by the Atikameksheng Gimaa and Council from time to time.

BE IT KNOWN that this Law entitled, "*Atikameksheng Anishnawbek Land Use Law No. 2020- 01*" is hereby:

Read a first time by Council at a duly convened meeting held on the 22 day of February, 2021;

Read a second time at a Special Membership Meeting held on the 19 day of April, 2021;

Read a third time and referred to a Special Membership Meeting for enactment by Electors, by Council at a duly convened meeting held on the 9th day of June, 2021.

Enacted by a vote of Electors at a Special Membership Meeting held on the 29th day of June, 2021.

Signed by the following members of Council:

Gimaa Craig Nootchtai

Councilor

Councilor

Councilor

Councilor

Councilor