



LOWER NICOLA **INDIAN BAND**

Lands Management Advisory Committee

LMAC Meeting: Monday, September 14, 2020

Details to Join Skype Meeting by Phone:

Dial-in toll number: 1 (647) 260-0507

Conference ID: 903 687 13 #

If you would like to join by Skype to see meeting materials as we discuss them, find details on the LNIB website or email Jerrica.Joe@lnib.net for more information.

Notes:

- 1.** *To maintain audio quality and meeting flow, non-LMAC attendees may be muted during the meeting.*
- 2.** *Attendees may enter a “waiting room” as LMAC members get set up; everyone is let in as soon as we are ready to start (typically 5-10 minutes after 4:00pm).*
- 3.** *Questions and comments can be submitted to Jerrica.Joe@lnib.net prior to the meeting to be addressed during or after the meeting.*

**Lower Nicola Indian Band
Lands Management Advisory Committee
Meeting Agenda
September 14, 2020, 4:00pm
Virtual Skype Meeting**

TIME	ITEM	PRESENTER
4:00	1. MEETING OPENING 1.1. Opening Prayer 1.2. Introductions	
4:10	2. ADMINISTRATION 2.1. Adoption of Agenda 2.2. Conflict of Interest Declaration 2.3. Adoption of Minutes <i>Reference: 2020-08-24 LMAC Meeting Minutes draft</i>	
4:20	3. FOR INFORMATION AND DISCUSSION 3.1. LNIB Stage 2 Return to Work: In-Person Meetings 3.2. Enforcement Law Review: Community Justice Process 3.3. Business Licensing Law Review (continued) <i>Reference: LNIB Business Licensing Law 2020-08-27 tracked changes; Cannabis Business License Fees Comparative Table</i> 3.4. Subdivision, Development, and Servicing Law Review <i>Reference: LNIB Subdivision Development and Servicing Law Draft 01 (excerpt omitting schedules)</i>	Brandi O’Flynn Stephen Jimmie Stephen Jimmie Stephen Jimmie
6:55	4. MEETING CONCLUSION	

**Lower Nicola Indian Band
Lands Management Advisory Committee
Meeting Minutes**

**August 24, 2020, 4:00 pm
Virtual Skype Meeting**

Present:	Bill Bose (Chair)	Gene Moses	Louise Moses	Hrolfe Joe (6:22 PM)
	Robert Sterling	Sondra Tom	Madeline Lanaro (4:16 PM)	
Council:	William Sandy			
Guests:	Shawn Speirs, Lands Advisory Board Resource Centre (LABRC)			
	David Carson, Land Forest People (LFP)	Lindsay Hutchinson, Land Forest People (LFP)		
Staff:	Stephen Jimmie	Brandi O'Flynn	Jerrica Joe	

1. MEETING OPENING

The meeting was called to order at 4:09 PM. All attendees participated via phone or computer.

1.1. OPENING PRAYER

An opening prayer was offered by Bill Bose.

1.2. INTRODUCTIONS

David Carson provided an introduction of himself and Land Forest People (LFP) to the LMAC. Shawn Speirs from the Lands Advisory Board Resource Centre (LABRC) introduced himself to the LMAC.

2. ADMINISTRATION

2.1. ADOPTION OF AGENDA

Motion (01): That the LMAC Meeting Agenda dated August 24, 2020, be adopted as circulated.
Moved: Sondra Tom Seconded: Louise Moses
Motion Carried

2.2. CONFLICT OF INTEREST DECLARATION

No conflicts of interest were declared at this time.

2.3. ADOPTION OF MINUTES

Reference Materials: 2020-07-27 LMAC Meeting Minutes draft

Motion (02): That the LMAC Meeting Minutes dated July 27, 2020, be adopted with the following amendments:

- Add a note in 3.1 to clarify that Robert Sterling remained in attendance during part of the discussion;
- Decision (01) change "Larmarch" to "Lamarsh".

Moved: Sondra Tom Seconded: Gene Moses
Motion Carried

3. PRESENTATIONS

3.1. ENVIRONMENTAL MANAGEMENT PLAN

Reference Materials: EMP Presentation to LMAC

Stephen provided background information regarding a typical First Nations Environmental Management Plan (EMP) and its objective for environmental protection and planning. David Carson and Lindsay Hutchinson introduced the project and presented the reference materials.

A comment was made about including Nlaka'pamux culture risk assessment—which is not typically recognized within the environmental assessment office of the Province—and the difficulty in evaluating environmental effects when measures are broken down into small scales, such as parts per million.

4. FOR INFORMATION AND DISCUSSION

4.1. PROJECT FUNDING: INDIAN ACT LEGACY ISSUES

Reference Materials: 2020-2021 Illegal Dumping Proposal Budget; Illegal Dumping Mitigation Strategy; LNIB Expropriation Law Proposal

Stephen presented the reference materials. He informed the LMAC of funding from the LABRC for which the LNIB successfully applied in July 2020, targeted towards illegal dumping and dumpsite mitigation.

Stephen reviewed the proposed project budget for 2020-2021 in detail, explaining the projects and initiatives corresponding to each line item. Lindsay and David provided additional information about LFP's role in project management on this proposed budget schedule and the Expropriation Law development.

Points of discussion and questions included:

- The installation of cameras and gates being a good indication to the community of LNIB's commitment to mitigating illegal dumping;
- "Mamit Lake Ranch Road" should be corrected to "Mamit Lake Branch Road".

Stephen will be presenting this funding opportunity at the next Chief and Council meeting (August 25, 2020) for approval to accept the LABRC funding.

Shawn Speirs reminded the LMAC that the LABRC is looking for test cases regarding the prosecution of offenders in illegal dumping and that the LNIB could be a good candidate if the situation arises.

Lindsay and David departed the meeting at 5:09 PM.

4.2. LMAC QUARTERLY REPORT

Reference Materials: LMAC Quarterly Report for Q1

Brandi presented the reference materials, informing the LMAC that this report will be sent to the LNIB Executive Director, Kari Reilander, after this review by the LMAC. It was suggested that the LMAC members be listed in the report, along with their terms.

4.3. LMAC MEETING SCHEDULE

Reference Materials: 2020-2021 LMAC Meeting Schedule

Brandi presented the reference materials. LMAC members expressed no opposition to the proposed schedule. It was mentioned that once Band General Meetings recommence, they may affect this schedule.

Action (01): Brandi will print out an additional LMAC Meeting Schedule for Bill Bose.

Action (02): Jerrica will upload the proposed LMAC Meeting Schedule to the LNIB website.

4.4. FENCING ALONG MAMIT LAKE ROAD

Reference Materials: MOTI Hwy Fencing Program Application; Fencing Map

Brandi informed the LMAC that this item is an update to a request from LMAC member Gene Moses a couple of months earlier, and presented the reference materials. Discussion ensued on the area included in the application request and the state of fencing in this area.

Brandi informed LMAC members that this item will be presented at the next Chief and Council meeting (August 25, 2020) for LNIB support of Shane Muir's application for this fencing program.

4.5. ENFORCEMENT LAW REVIEW: COMMUNITY JUSTICE PROCESS

Reference Materials: ILRU Conflict Resolution Literature Review

Stephen reminded the LMAC that this is a continued Agenda item, provided background for the reference materials, and asked if LMAC members were interested in any of the ideas described in the document.

Points of discussion and questions included:

- A desire to have someone local, perhaps a Band member, involved in the process;
- The need to look at LNIB's cultural values and principles in developing a community justice process;
- An interest in the Circle Process, and questions about who would be involved in such a process;
- A local procedure for Indigenous and/or restorative justice and whether LNIB's community justice process would be conducted similarly or if ideas would be gleaned from that process;
 - Stephen has looked into this and has thought about building onto this process.

4.6. BUSINESS LICENSING LAW REVIEW (continued)

Reference Materials: LNIB Business Licensing Law Draft 01 (excerpt)

LMAC recommenced the review of this draft Law, with a member reading aloud, starting from Part 6.

Questions and comments included:

- Whether craftspeople and trappers require business licenses—there is a list of exclusions in the draft Law; though trappers were not considered and attendees were unsure if anyone still traps;
- Standard business license approval being delegated to the Lands Manager, and the opportunity for rejected applicants to dispute the Lands Manager's decisions and bring the matter to Chief and Council for reconsideration and a final decision;

BUSINESS LICENSING LAW

Enacted on _____

Authorized signatory for LNIB

[NAME]

DEPOSITED IN THE **REGISTRY OF LAWS**

ON ____/____/____
(Day/Mo/Year)

Signature of Law Clerk

BUSINESS LICENSING LAW

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PREAMBLE

WHEREAS:

- A. Under sections 6.1 and 6.2 of the Land Code, Council may make laws in relation to LNIB Land, including relating to the regulation, licensing and control of businesses on LNIB Land;
- B. Under section 14.2 of the Land Code, Council may, after full and fair consideration of any recommendations of the Lands Management Advisory Committee, establish mandatory standards, criteria and forms for Interests and Licences in LNIB Land;
- C. Under section 31.2 of the Land Code, Council may, by enacting a Law, delegate administrative authority in relation to the Land Code or a Law to an individual or body established or authorized under the Land Code;
- D. Following consultation with its Members, LNIB has decided to allow retail cannabis businesses to operate on LNIB Land;
- E. The province regulates the retail sale of cannabis in British Columbia under the *Cannabis Control and Licensing Act* (the "Act"). The Act provides the following:
 - (i) a provincial cannabis licence is required for a Person to sell cannabis, including on LNIB Land,
 - (ii) the province must not issue, or in certain cases, must not amend, a provincial cannabis licence for a retail cannabis business proposed to be located on LNIB Land unless LNIB recommends the province issue, or amend, the licence,
 - (iii) where LNIB decides to give comments and recommendations on an application to issue or amend a provincial cannabis licence, if the issuance of the licence may affect nearby residents, LNIB must gather the views of residents of an area determined by LNIB in respect of the application, and
 - (iv) LNIB may, by law, impose fees on the applicant in order to recover the costs incurred in assessing the application;
- F. In order to facilitate the process for licensing retail cannabis businesses on LNIB Land, LNIB intends to coordinate its review with the province's review of the related provincial cannabis licence;
- G. Council wishes to implement
 - (i) a business licensing system to track and regulate the conduct of business on LNIB Land, and
 - (ii) a process to govern how LNIB provides comments and recommendations on provincial cannabis licences.

NOW THEREFORE the Council enacts as follows:

PART 1 - CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

BUSINESS LICENSING LAW

Citation

1. This Law may be cited as the Business Licensing Law.

Application

2. This Law applies to all LNIB Land.

Definitions

3. (1) In this Law:

"adult entertainment store" means a portion of or the entire premises where:

- (a) the business of selling or offering for sale sex paraphernalia or graphic sexual material is carried on,
- (b) one or more pornographic film viewers are made available for use by the public, or
- (c) where "adult films" as defined by the *Motion Picture Act* (British Columbia), and any regulations enacted under that Act are made available to any person for sale or rent;

"adult movie theatre" means a motion picture theatre where adult or restricted designated motion pictures, as defined by the *Motion Picture Act* (British Columbia), and any regulations enacted under that Act, are shown;

"applicable laws" means applicable Laws and applicable federal and provincial enactments;

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

"business" means carrying on a commercial or industrial activity or undertaking of any kind or nature, and providing professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the governments of LNIB, British Columbia or Canada, the agencies of said governments or corporations owned by said governments or by any public transit authority or its subsidiaries;

"cannabis" has the same meaning as in the *Cannabis Act*, S.C. 2018, c. 16, subject to any prescribed modifications;

"*Cannabis Control and Licensing Act*" means the *Cannabis Control and Licensing Act*, SBC 2018, c 29;

"community consultation" means gathering the views of residents of LNIB Land in accordance with section 25;

"daycare" means a day care or child care service or facility, not including a school, where a person, in exchange for payment of some form, offers or provides care for at least three children who are not related to the care giver by blood or marriage;

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“enforcement officer” means the Lands Manager and any person appointed by Council, from time to time, to ensure compliance with this Law, and includes any delegate, the RCMP and any peace officer;

“home-based business” means any business carried out in a dwelling which is secondary to the residential use of the dwelling;

“licence” means either a standard business licence or a retail cannabis business licence;

“licensee” means a Person who holds a valid licence;

“non-resident business” means a business that is carried out on LNIB Land by a Person who does not have a premises on LNIB Land;

“operator” means the owner or proprietor of a business;

“premises” means a store, office, shop, building, home, warehouse, factory, structure, enclosure, temporary or permanent fruit or vegetable stand, yard or other definite area occupied or capable of being occupied by a Person for the purpose of a business and includes any area situated within any of the foregoing where a separate class or type of business is carried on, by a separate operator;

“province” means the British Columbia Liquor and Cannabis Regulation Branch within the Ministry of the Attorney General, or any branch, department or ministry that becomes responsible for provincial regulation of retail cannabis businesses;

“provincial cannabis licence” means a “licence” for a “retail store” as those terms are defined in the *Cannabis Control and Licensing Act* and the *Cannabis Licensing Regulation*, BC Reg 202/2018;

“retail cannabis business” means any business that sells cannabis or products containing cannabis directly to the public on LNIB Land, but does not include the sale of medical cannabis whether through a compassion club, a non-profit society or as a dispensary;

“retail cannabis business licence” means a licence to carry on a retail cannabis business on or within LNIB Land issued by LNIB in accordance with this Law;

“standard business licence” means a licence to carry on any business that operates on LNIB Land issued in accordance with this Law other than a retail cannabis business.

- (2) In addition to the terms defined in this Law, terms used in this Law may be defined in the Land Code.

Interpretation

4. (1) A reference in this Law to an enactment is to be construed as including a reference to that enactment as it may be amended from time to time.
- (2) A reference in an enactment to a section is a reference to a section of this Law.

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- (3) A reference in this Law to a subsection or paragraph is a reference to a subsection or paragraph of the section or subsection in which the reference occurs.
- (4) A word in the singular form may be read in the plural form if the context allows it and a word in the plural form may be read in the singular form if the context allows it.
- (5) Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this Law will be guided and interpreted in accordance with the culture, traditions and customs of LNIB.

Severability

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

Validity

6. Nothing under this Law must be rendered void or invalid by:
 - (a) an error or omission in a notice, form, permit or other document given or authorized under this Law; or
 - (b) a failure of LNIB or their delegate to do something within the required time.

PART 2 – ADMINISTRATIVE PROVISIONS

Delegation of authority to Lands Manager

7. Council delegates to the Lands Manager Council's authority to:
 - (a) grant a standard business licence and otherwise exercise the necessary administrative authority to administer standard business licences in accordance with this Law; and
 - (b) suspend or revoke a licence in accordance with section 40.

Delegation of Lands Manager's duties

8. With the exception of the authority delegated by Council to the Lands Manager under section 7, the Lands Manager may delegate any of his or her duties under this Law to any employee in the LNIB Lands Department.

PART 3 – GENERAL REQUIREMENTS

Prohibitions

BUSINESS LICENSING LAW

9. (1) Except as set out in this Law and subject to section 11, a Person must not carry on a business on or within LNIB Land unless the Person holds a valid licence for the carrying on of the business and any conditions of the licence have been met.
- (2) For certainty, the prohibition under subsection (1) applies to a Person carrying on a non-resident business, including any Person carrying on a business for any purpose on or within LNIB Land that is not being carried out from or within a premises.
- (3) A Person must not carry on a business at a premises other than at the premises specified for that business in a valid licence.
- (4) Unless otherwise authorized under a Law or applicable federal or provincial law, a Person must not carry on a business or solicit for charity, or any other purpose, on any road or highway that is wholly or partially on or within LNIB Land.
- (5) The following businesses are prohibited on or within LNIB Land:
- (a) adult entertainment stores;
 - (b) adult movie theatres;
 - (c) a place that is kept or occupied, or resorted to by one or more persons, for the purpose of prostitution (or a “common bawdy-house” as defined in the *Criminal Code of Canada*);
 - (d) the sale, offering for sale, or delivery for sale of alcohol;
 - (e) the propagation, compounding or production of a controlled substance as defined in the *Controlled Drugs and Substances Act (Canada)* except in strict compliance with a Law or applicable federal or provincial law; and
 - (f) the sale of any controlled substance as defined in the *Controlled Drugs and Substances Act (Canada)*, except by a licensed pharmacist or in strict compliance with a Law or applicable federal or provincial law.

Commented [SJ1]: Suggest keeping as is and get community feedback when the law is presented instead of conducting a survey.

Commented [SJ2]: Suggest keeping as is and get community feedback when the law is presented. Instead of conducting a survey.

Persons ineligible to hold licence

10. A Person is not eligible to be issued a licence if:
- (a) the Person is not in good standing with LNIB with regard to any financial debts or arrears, including in relation to property tax owing under the LNIB Property Taxation Law;
 - (b) the Person has been convicted under any Law or an applicable law of another First Nation, or under provincial or federal laws in relation to the activities of the business for which the applicant has applied; or
 - (c) the applicant is the owner of a business whose licence was suspended or revoked under this Law and that suspension or revocation was not reversed or set aside.

Scope, exemptions and authority to waive

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11. (1) The exemptions set out in this section are subject to any Law enacted in relation to:

- (a) removal and punishment of a Person trespassing on LNIB Land or frequenting LNIB Land for prohibited purposes;
- (b) prevention of nuisance; or
- (c) protection of the community.

(2) A licence is not required for any of the following, provided the Person undertaking the business complies with all applicable laws and LNIB policies, including the LNIB Housing Policy, as amended, in addition to all federal and provincial health and safety standards:

- (a) renting apartment suites or units where not more than two (2) suites or units are made available for rent;
- (b) door-to-door sale of newspapers published in Canada;
- (c) public schools;
- ~~(d) teaching music, handicrafts or art as a home occupation where such teaching involves not more than one class of five (5) students at one time;~~
- ~~(e)(d)~~ garage sales or yard sales held by Members or occupants of LNIB Land where there are fewer than four (4) days per year of sales;
- ~~(f)(e)~~ sales of catered foods or baked goods cooked or prepared in a Member's home or the home of an occupant of LNIB Land;
- ~~(g)(f)~~ subject to any Law that regulates access to LNIB Land, delivery of food including pizza and fast foods;
- ~~(h)(g)~~ non-commercial, periodic fund-raising events by Members or organizations or occupants of LNIB Land;
- ~~(i)(h)~~ selling carvings, crafts, and other art-work created by Members;
- ~~(j)(i)~~ providing or delivering services by a licensed professional including a doctor, lawyer, accountant, consultant, dentist, nurse, ophthalmologist, optometrist, registered massage therapist, physiotherapist or similar professional; or
- ~~(k)(j)~~ courier or postal services; ~~or~~

~~small scale home based activities by Members or occupants of LNIB Land including, but not limited to,~~

~~teaching music, handicrafts or art as a home occupation where such teaching involves not more than one class of five (5) students at one time;~~

~~i. Avon, Herbalife, and Tupperware.~~

Commented [SJ3]: What about home-based services like hairdressing, logging truck drivers, marshal arts classes etc.?

Commented [HV4R3]: Instructions to remove this exception (and the home-based business described at paragraph d – teaching music, etc) so that LNIB will be aware of the different business activities taking place on reserve. In addition, requiring these business owners to obtain a licence means LNIB will have access to additional regulatory and enforcement remedies set out in this law (municipalities all tend to require a business licence for home-based businesses). LNIB may set a reduced licence fee for home-based businesses.

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Application for a licence

12. (1) A Person may apply for a licence for the first time to carry on a new business or for a business that exists at the time this Law comes into force by submitting an application to the Lands Manager in the form specified by Council and paying the applicable fee.

(2) An application under subsection (1) must include, at a minimum:

- (a) the name, address, phone number, incorporation number (if applicable), nature and location of the business including the legal description of any premises from which the business operates;
- (b) the name, address, and phone number of the operator or owner of the business;
- (c) if the premises are located on LNIB Land that is subject to a Certificate of Possession, a letter of authorization from the holder of the Certificate of Possession (if not the applicant) consenting to the operation of the business from the premises.
- (d) an acknowledgement that the licence does not provide authorizations for land use or other matters and that other permits or authorizations may be required;
- (e) an acknowledgement that the holder of the licence must allow access to enforcement officers and other individuals authorized by Council or authorized by a Law to monitor compliance with the conditions set out in the licence;
- (f) an acknowledgement that
 - ii.i. the Person has not been convicted under any Law or an applicable law of another First Nation, or under provincial or federal laws in relation to the activities of the business for which the applicant has applied, and
 - ii.ii. if the applicant is the owner of a business, the applicant has not had its licence suspended or revoked under this Law that was not reversed or set aside; and
- (g) a signed release and waiver releasing and indemnifying LNIB against any claims in relation to the business or premises for which the licence is being sought.

(3) The application form under this section must be signed by the Person who is the owner of the business, or by their duly authorized agent, or in the case of a corporation, signed by a director of the corporation or a duly authorized agent of the corporation or in the case of partnerships, joint ventures, or multiple owners, signed by any one of such partners or owners and such partner or owner will be deemed to be duly authorized by all the remaining partners or owners.

Preconditions

13. If a business requires approvals from other regulatory agencies in order to operate in compliance with all applicable laws and other requirements, the applicant must include with the application proof that the applicable preconditions have been met, including, but not limited to, the following:

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- (a) for any business, proof of all applicable insurance policies;
- (b) for any premises, confirmation from the Lands Department that the proposed use of the land or premises complies with a law that regulates development on LNIB Land, and any applicable land use plan or zoning law;
- (c) for any premises, proof of compliance with all applicable fire safety, sanitation and building regulations;
- (d) for an automobile dealership, proof of licensing under the *Motor Dealers Act* (British Columbia);
- (e) for a daycare facility, proof of licensing under the *Child Care Licensing Regulation* (British Columbia);
- (f) for the construction or alteration of a restaurant or food premises, as defined in the *Food Premises Regulation* (BC) or its successor, proof of approval by a health official under the *Health Act* (British Columbia);
- (g) for the preparation, distribution and selling of foods other than pre-packaged or pre-bottled foodstuffs, proof of a food service permit under the *Food Premises Regulation* (British Columbia);
- (h) for gaming facilities, proof of licensing under ~~under~~ a Law or applicable federal or provincial law;
- (i) for the provision of professional services, proof of applicable professional certifications, licensing and insurance.

PART 4 - REQUIREMENTS FOR STANDARD BUSINESS LICENCES

Application of Part 4

14. This Part applies only to standard business licences.

Preliminary review of application

15. (1) As soon as practicable after receiving a standard business licence application and the applicable fees, the Lands Manager will review the application to determine the following:

- (a) the applicant is eligible to obtain a licence under section 10; and
 - (b) the application is complete in accordance with section 12 and complies with all applicable preconditions listed at section 13.
- (2) If an application complies with the requirements listed at subsection (1), the Lands Manager will provide the application and any other relevant materials to the Lands Management Advisory Committee.
- (3) If an application fails to comply with subsection (1)(a) or (b), the Lands Manager will provide written notice to the applicant that the application fails to meet the Law's

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requirements and advising of any steps that may be taken to qualify for a licence in a future application.

Lands Management Advisory Committee review

- 16.** (1) Subject to subsection (2), as soon as practicable following their receipt of an application and all applicable materials provided by the Lands Manager under section 15, the Lands Management Advisory Committee must, acting reasonably, make a recommendation to the Lands Manager on whether to approve or refuse to approve the application for a standard business licence supported with reasons.
- (2) If the Lands Management Advisory Committee recommends the Lands Manager approve an application for a licence, the Lands Management Advisory Committee may recommend that the approval be subject to certain terms and conditions, which may include, without limitation the following requirements:
- (a) that specified insurance be obtained;
 - (b) restricting the number of occupants allowed on the premises of the business; or
 - (c) specifying hours of operation.
- (3) The Lands Management Advisory Committee's recommendation must be provided to the Lands Manager within 14 calendar days of making their recommendation.

Lands Manager's decision

- 17.** (1) As soon as practicable following the Lands Manager's receipt of the Lands Management Advisory Committee's recommendation on a standard business licence, upon consideration of the recommendation, the application and all applicable materials, the Lands Manager may:
- (a) approve the application for a standard business licence, of which approval may include any reasonable terms or conditions; or
 - (b) despite any other provision in this Law, refuse to approve an application for a standard business licence, setting out written reasons.
- (2) The Lands Manager must provide notice of their decision by:
- (a) issuing a standard business licence to the applicant that shows all applicable terms or conditions; or
 - (b) notifying the applicant that the application for the standard business licence has been refused with a copy of the Lands Manager's written reasons.

Start date and term

- 18.** (1) Subject to subsections (2) and (3), a standard business licence will be granted for one calendar year commencing on the 1st day of January and will terminate on the 31st day of December in the year the licence was issued.

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- (2) The Lands Manager may authorize a standard business licence to commence after January 1st with a term not to extend beyond the 31st day of December in the year the licence was issued.
- (3) The Lands Manager may grant a seasonal or temporary standard business licence to a Person who intends to carry on a business on a seasonal or temporary basis.
- (4) For certainty, a Person seeking a seasonal or temporary licence is subject to the same application and approval process as required for a standard business licence in accordance with this Law.

Annual renewals

19. (1) A licensee may apply to renew their standard business licence each year by submitting an application to renew to the Lands Manager in the form specified by Council and paying the applicable fee on or before December 31st of the year the licence is set to terminate.
- (2) An application under subsection (1) must include the information provided at section 12(2).
- (3) The Lands Manager will issue a standard business licence to the licensee for a renewed one-year term if:
 - (a) the application information required at sections 12(2)(a) and (b) has not changed from the licensee's previous licence application; and
 - (b) the business is in compliance with all applicable laws and requirements.
- (4) The licensee must apply for a new licence in accordance with this Law if any of the information required at sections 12(2)(a) and (b) has changed from the licensee's previous licence application.

Changing the premises

20. (1) A licensee may apply to change the premises in which they carry on the licensed standard business by submitting an application to the Lands Manager in the form specified by Council and paying the applicable fee.
- (2) The Lands Manager will approve an application to change the premises under subsection (1) where the Lands Manager is satisfied that the applicant has complied with all applicable laws and other requirements.
- (3) The Lands Manager must provide notice of their decision by:
 - (a) issuing an amended standard business licence to the applicant that shows all applicable terms or conditions; or
 - (b) notifying the applicant that the application to amend the standard business licence has been refused with a copy of the Lands Manager's written reasons.

Licence cancelled

BUSINESS LICENSING LAW

21. (1) The Lands Manager will cancel a standard business licence and provide notice to the licensee if:
- (a) the associated application is approved in error; or
 - (b) the associated application is approved due to a misrepresentation or concealment of fact.
- (2) In the event an application is approved under circumstances described at subsection (1), the applicant is not entitled to a refund of any fees.

PART 5 – REQUIREMENTS FOR RETAIL CANNABIS BUSINESS LICENCES

Application of Part 5

22. This Part applies only to retail cannabis business licences.

Licence application

23. In addition to the licence application requirements under section 12, an application for a retail cannabis business must be made by the occupier of the premises at which the retail cannabis business will be located and must be accompanied by:
- (a) proof that the applicant has applied for a provincial cannabis licence and an indication of the status of the province's review, or proof that the applicant has been issued a valid provincial cannabis licence;
 - (b) proof that the retail cannabis business is not within 300 metres of any school, youth centre, daycare, cultural area, or religious area;
 - (c) a plan satisfactory to the Lands Manager that addresses:
 - i. 24-hour security coverage of the premises for which the licence is issued,
 - ii. a robbery prevention plan, and
 - iii. management and control of noise, odour, traffic and patron conduct;
 - (d) proof that the retail cannabis business is not a part of another business retail operation;
 - (e) a plan demonstrating how the applicant will prevent minors from entering the premises;
 - (f) a list of all associates of the applicant and employees of the retail cannabis business that includes their contact information; and
 - (g) an acknowledgment by the applicant that the applicant is responsible for the cost of community consultation on the proposed retail cannabis business in a manner specified by the Lands Manager.

Preliminary review

24. (1) As soon as practicable after receiving an application for a retail cannabis business licence and the applicable fees, the Lands Manager will review the application to determine the following:
- (a) the applicant is eligible to obtain a licence under section 10; and
 - (b) the application is complete in accordance with sections 12,13 and 23.
- (2) Subject to subsection (4), if an application complies with the requirements listed at subsection (1), the Lands Manager will provide the application and any other relevant materials to the Lands Management Advisory Committee.
- (3) If an application fails to comply with subsection (1)(a) or (b), the Lands Manager will provide written notice to the applicant that the application fails to meet the Law's requirements and advising of any steps that may be taken to qualify for a licence in a future application.
- (4) Where the province requires LNIB's recommendation before issuing a provincial cannabis licence for the proposed retail cannabis business, the Lands Manager will carry out the necessary steps to comply with the province's requirements, which may include conducting community consultation.

Community consultation

25. (1) Where LNIB carries out community consultation on a provincial cannabis licence associated with a proposed or licensed retail cannabis business, the community consultation will be carried out as follows:
- (a) in a manner directed by the Lands Manager and that complies with the *Cannabis Control and Licensing Act*; and
 - (b) at the expense of the applicant.
- (2) Upon completion of community consultation held under this section, the Lands Manager will compile the feedback obtained from the community consultation in a written report which will be provided to the Lands Management Advisory Committee under section 26 for a new application or to Council under section 30 for an application to change the premises of the retail cannabis business.

Lands Management Advisory Committee review application

26. (1) Subject to subsection (2), as soon as practicable following their receipt of an application for a retail cannabis business licence and the written report of community consultation under section 25, if held, the Lands Management Advisory Committee must, acting reasonably, and in consideration of the materials provided, make a recommendation to Council on whether to approve or refuse to approve the application supported with reasons.
- (2) If the Lands Management Advisory Committee recommends Council approve an application for a retail cannabis business licence, the Committee may recommend that

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the approval be subject to certain terms and conditions, which may include, without limitation the following requirements:

- (a) that specified insurance be obtained;
- (b) restricting the number of occupants allowed on the premises of the business;
- (c) specifying hours of operation; or
- (d) if applicable, measures to address specific concerns raised during community consultation held under section 25.

- (3) The Lands Management Advisory Committee's recommendation must be provided to the Lands Manager within 14 calendar days of making their recommendation.

Council decision and issuance of licence

27. (1) Within 14 calendar days of the Lands Management Advisory Committee's recommendation under section 26(1), the Lands Manager will provide to Council their recommendation, the application for a retail cannabis business and the written report of community consultation under section 25, if held.
- (2) As soon as practicable following their receipt of materials provided under subsection (1) and taking into account the Lands Management Advisory Committee's recommendation and feedback received during community consultation, if held:
 - (a) subject to subsection (3), Council may approve the application subject to any reasonable terms and conditions; or
 - (b) despite any other provision in this Law, refuse to approve the application, setting out written reasons.
 - (3) Where the province requires LNIB's recommendation before issuing the provincial cannabis licence associated with the proposed retail cannabis business:
 - (a) Council's approval of an application for a retail cannabis business licence must not take effect until the licensee has provided the Lands Manager with evidence of the provincial cannabis licence for the retail cannabis business; and
 - (b) LNIB will take all necessary steps to comply with the province's requirements.
 - (4) For certainty, Council must not recommend that the province issue a provincial cannabis licence if the applicant does not comply with this Law.
 - (5) The Lands Manager will provide notice of Council's decision on an application under subsection (1) to the applicant and, subject to subsection (6), issue the licence.
 - (6) For an application considered under subsection (3), the Lands Manager must notify the applicant that the retail cannabis business licence will not be issued until the applicant has provided the Lands Manager with evidence of the provincial cannabis licence for the retail cannabis business.

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- (7) Upon the Lands Manager receiving evidence of a provincial cannabis licence for a retail cannabis business that received conditional approval under this section, the Lands Manager must issue the retail cannabis business licence to the licensee.
- (8) The term of a retail cannabis business licence must correspond with the term of the provincial cannabis licence.

Conditions of every retail cannabis business licence

28. (1) A licensee for a retail cannabis business must notify the Lands Manager of any changes to:
 - (a) the provincial cannabis licence for the retail cannabis business; and
 - (b) the list of associates provided with the licence application under section 23(f).
- (2) In accordance with the *Cannabis Control and Licensing Act* and regulations, a retail cannabis business is prohibited from engaging in any other business activities in the premises that are licensed as a retail cannabis business. For clarity, this includes hosting an automated teller machine, offering cheque cashing services, and offering liquor sales.
- (3) When a retail cannabis business is closed, all floor inventory must be removed from display areas and placed in a secure locked storage vault at the premises.
- (4) The owner and operator of a retail cannabis business is required to ensure the safety of their employees, patrons and neighbours.
- (5) Subject to Council limiting the hours in a retail cannabis business licence, operating hours for a retail cannabis on LNIB Lands must be between 9:00am and 9:00pm and during operating hours, a retail cannabis business must have no fewer than two (2) employees working at any given time.

Annual renewals

29. (1) A licensee may apply to renew their retail cannabis business licence each year by submitting an application to renew to the Lands Manager in the form specified by Council and paying the applicable fee on or before the expiry date set out on their licence.
- (2) An application under subsection (1) must:
 - (a) include the information provided at section 12(2); and
 - (b) evidence of the licensee's renewed provincial cannabis licence.
- (3) The Lands Manager will issue a retail cannabis business licence to the licensee for a renewed one-year term if:
 - (a) the application information required at sections 12(2)(a) and (b) has not changed from the licensee's previous licence application;
 - (b) the business is in compliance with all applicable laws and requirements; and

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- (c) the provincial cannabis licence has been renewed for another year.
- (4) The term of a renewed retail cannabis business licence must correspond with the term of the provincial cannabis licence.
- (5) The licensee must apply for a new retail cannabis business licence in accordance with this Law if any of the information required at sections 12(2)(a) and (b) has changed from the licensee's previous licence application.

Changing the premises

- 30.** (1) Subject to subsection (2), a licensee may apply to change the premises in which they carry on the licensed retail cannabis business by submitting an application to the Lands Manager in the form specified by Council and paying the applicable fee.
- (2) Except where the province requires LNIB's recommendation before changing the premises of the retail cannabis business in the provincial cannabis licence, a licensee's application under subsection (1) must include evidence of the associated provincial cannabis licence showing the address of the new premises.
 - (3) Subject to subsection (5), the Lands Manager will confirm the application to change the premises under subsection (1) is complete and provide the application and any applicable materials to Council.
 - (4) As soon as practicable following its receipt of the application and any materials under subsection (3), Council may:
 - (a) subject to subsection (5), approve an application to change the premises if the proposed change will comply with all applicable laws and other requirements; or
 - (b) despite any other provision in this Law, refuse to approve the application, setting out written reasons.
 - (5) Where LNIB's recommendation is required before the province will change the premises in a provincial cannabis licence associated with a retail cannabis business:
 - (a) LNIB will carry out the necessary steps to comply with the province's requirements, which may include community consultation in accordance with section 25; and
 - (b) Council's approval to change the premises of a retail cannabis business licence must not take effect until the licensee has provided the Lands Manager will evidence of the amended provincial cannabis licence showing the address of the new premises.
 - (6) For certainty, Council must not recommend that the province change the premises in a provincial cannabis licence if the applicant does not comply with this Law.

Issuing the amended licence

- 31.** (1) The Lands Manager will provide notice of Council's decision on an application under section 30 to the licensee and subject to subsection (2), issue an amended licence.

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- (2) For an application considered under section 30(5), the Lands Manager must notify the applicant that the retail cannabis business licence will not be amended until the applicant has provided the Lands Manager with evidence of the amended provincial cannabis licence showing the address of the new premises.
- (3) Upon the Lands Manager receiving evidence of an amended provincial cannabis licence for a retail cannabis business that received conditional approval under this section, the Lands Manager must issue the retail cannabis business licence to the licensee.

Licence cancelled

32. (1) Council will cancel a retail cannabis business licence and provide notice to the licensee if:
 - (a) the associated application is approved in error; or
 - (b) the associated application is approved due to a misrepresentation or concealment of fact.
- (2) In the event an application is approved under circumstances described at subsection (1), the applicant is not entitled to a refund of any fees.

PART 6 – GENERAL REQUIREMENTS FOR ALL LICENCES

Separate business

33. For the purposes of this Law, where a business is carried on, within, or from more than one premises on or within LNIB Land, the business carried on within or from each premises is deemed to be a separate business.

Business purchases and licence transfers

34. (1) Every licence issued under this Law is specific and exclusive to the Person and premises named in the licence and may not be transferred, given, lent or sold to another Person or used at another premises.
- (2) Where any Person purchases from another Person the controlling interest in a business licensed under this Law, the existing licence of that business will expire sixty (60) days after the purchase and if the purchaser wishes to continue operating the business, the purchaser must submit a new licence application in accordance with this law.

Access for inspection and enforcement

35. Every licence is deemed to grant access to the business or premises by an enforcement officer for inspections and enforcement in relation to this Law.

Requirement to post or carry

36. (1) A holder of a licence must post the licence and keep it posted in a conspicuous place on the premises for which it was issued.

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- (2) A holder of a licence for a non-resident business must carry the licence on their person at all times while carrying on the business on or within LNIB Land.

Fees

- 37.** (1) An applicant for a licence is responsible for paying the applicable application fee and annual licence fee set out at Schedule A.
- (2) The fee to apply for a licence on a seasonal or temporary basis under section 18(3) will be prorated to reflect the applicable term of the licence.
- (3) Annual licence fees are not refundable except:
- (a) if the licence application is withdrawn prior to the issuance of the licence; or
 - (b) the licence application is refused.

Licence no longer required

- 38.** (1) Every licensee must notify the Lands Manager in writing when the licence is no longer required.
- (2) The licence will be cancelled upon receipt of notification under subsection (1) or on the date indicated in the notification as the end of business operations.
- (3) A licensee is not entitled to a refund or partial refund of the licence fee.

Liability

- 39.** The Lands Manager's or Council's approval or refusal to approve a licence
- (a) is not evidence that a business, premises or any associated approvals are valid or legal; and
 - (b) does not create any liability on behalf of LNIB.

PART 7 - ENFORCEMENT

Suspending or revoking a licence

- 40.** (1) In addition to any other remedies or penalties under this Law or any other applicable laws, if the Lands Manager has reasonable cause, the Lands Manager may, after giving notice to the holder of the licence:
- (a) suspend the licence for all or part of the year; or
 - (b) revoke the licence.
- (2) Upon suspending or revoking a licence under subsection (1), the Lands Manager may restrict a Person from holding a licence for up to three years for reasonable cause.

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- (3) Without limiting the interpretation of “reasonable cause” under subsections (1) or (2), the following may serve as grounds to suspend or revoke a Person’s licence or restrict a Person from holding a licence:
- (a) the Person is convicted of an indictable offence;
 - (b) the Person is convicted of an offence under a Law, an applicable law of another First Nation, or under provincial or federal laws in relation to the activities of the business for which the licensee is licensed or with respect to the premises named in the licence;
 - (c) the Person has ceased to meet the lawful requirements to carry on the business for which they are licensed or relating to the premises named in the licence;
 - (d) the Person has failed to renew their licence within thirty (30) days of the expiry date;
 - (e) the Person has failed to pay property tax pursuant to the LNIB Property Tax^{ation} Law, or has otherwise failed to comply with the LNIB Property Tax^{ation} Law or an order issued under that law; or
 - (f) the Person has, in the reasonable opinion of the Lands Manager:
 - (i) engaged in such gross misconduct relating to the business or to the premises named in the licence as to warrant the suspension, revocation or restriction of the licence,
 - (ii) conducted business, performed a service, or displayed, offered for sale, or sold or distributed to a Person actually or apparently under the age of sixteen years anything that may be harmful or dangerous to the health or safety of a Person actually or apparently under the age of sixteen years, or
 - (iii) carried on any business without a licence.

Authority of enforcement officers

41. (1) In addition to any powers set out in a Law addressing the enforcement of Laws and the authority of enforcement officers and without limiting an enforcement officer’s powers at law, an enforcement officer is authorized to do the following for the purpose of performing his or her duties or exercising his or her powers in relation to this Law:
- (a) issue a stop work order to any Person who carries out a business without receiving a licence if required under this Law, which includes for certainty, carrying out a business if the Person’s licence is suspended or was revoked under section 40 or has been rendered invalid under section 44;
 - (b) where a business is being carried out without a licence, an enforcement officer may:
 - (i) order that a premises, or a portion of a premises, be closed, shut down, sealed off, or otherwise made unavailable for business use until there is a valid licence in place for that premises, or

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- (ii) order any vehicle entering LNIB Land for what the enforcement officer believes is a prohibited purpose under this Law to turn around or comply with this Law before entering LNIB Land.

(2) An order under subsection (1):

(a) may be registered in court and enforced as a court order; and

(b) continues in force until:

- (i) the condition that led to the order is remedied, or
- (ii) the activity that is the subject of the order receives a valid licence under this Law.

PART 8- RIGHT OF RECONSIDERATION

Right of Reconsideration by Council

- 42.** (1) An applicant or licensee who wishes reconsideration of a decision of the Lands Manager made under this Law must, within thirty (30) business days of receipt of notice of the decision, deliver to Council a written request stating the grounds upon which the request for reconsideration is based, together with any relevant supporting information or evidence and the applicable fee as set out in Schedule A.
- (2) Council must consider the request within thirty (30) days of receipt of the notice.
- (3) Council may concur with, modify, or reverse the decision of the Lands Manager, and must provide written notification to the applicant or licensee and to the Lands Manager of the decision.
- (4) For certainty, there is no right of reconsideration of Council's decision to refuse to approve an application for a retail cannabis business licence or an application to change the premises of a licensed retail cannabis business.

PART 9 - OFFENCES AND PENALTIES

Offences

- 43.** (1) A Person who does any of the following commits an offence:
- (a) provides false or misleading information in order to obtain a licence;
 - (b) carries out an activity prohibited under this Law without having first received a valid authorization;
 - (c) neglects or refrains from doing anything required to be done pursuant to the provisions of this Law;
 - (d) otherwise contravenes this Law; or

BUSINESS LICENSING LAW

- (e) obstructs, interferes with or denies access to an enforcement officer or other individual who is designated to enforce this Law.
- (2) A Person who commits an offence or who contravenes an order made by a court in relation to this Law is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than three months, or to both.
- (3) A fine payable under subsection (2) must be remitted to LNIB by the court, after reasonable court costs have been deducted.
- (4) Despite subsection (2), LNIB may also authorize the Lands Manager or enforcement officer to issue a ticket or violation notice to impose a sanction or fine for contraventions of this Law.

Contravention renders licence invalid

- 44.** In addition to any other remedies or penalties under this Law, or any other applicable laws, any Person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this Law renders their licence invalid.

PART 10 – Regulations

Regulations

- 45.** (1) Council may make any regulations it considers necessary or advisable for purposes under this Law.
- (2) For certainty, the powers of the Council under subsection (1) include the power to make regulations:
- (a) respecting the form and content of applications, notices, reports, licences and other documents that are required or permitted under this Law;
 - (b) prescribing consultation and public input requirements in respect of applications provided for in this Law;
 - (c) defining words and expressions that are used but not defined in this Law; and
 - (d) generally for the purpose of giving effect to this Law.
- (3) Subsection (2) does not restrict Council from approving matters listed in that subsection by Resolution.

PART 11- AMENDMENT

BUSINESS LICENSING LAW

Substantive amendments to this law

- 46.** With the exception of a minor amendment described at section 47, an amendment or repeal of this Law must only be made by Council as recommended by the Lands Management Advisory Committee in accordance with the Land Code.

Minor amendments

- 47.** (1) Council may approve a minor amendment to this Law by Resolution.
- (2) For the purposes of subsection (1), minor amendments mean:
- (a) amendments to correct typographical errors;
 - (b) amendments required to reference any relevant new or amended Law;
 - (c) amendments ordered by any court of competent jurisdiction; and
 - (d) amendments which serve to clarify this Law, where there is no reasonable dispute about the intention underlying the original provision.

PART 12 – Coming Into Force

Coming Into Force

- 48.** This Law comes into force on the date it is passed by Resolution.

THIS LAW IS HEREBY DULY ENACTED by Council on the ___ day of _____, 20___, at _____, in the Province of British Columbia.

BUSINESS LICENSING LAW

SCHEDULE "A"

ADMINISTRATIVE FEES

Application fee for a standard business licence <u>other than for a home-based business</u> s. 37(1)	\$ _____ \$200
<u>Application fee for a standard business licence for a home-based business</u> s. 37(1)	\$100
Annual fee for a standard business licence <u>other than for a home-based business</u> s. 37(1)	\$ _____ \$100
<u>Annual fee for a standard business licence for a home-based business</u> s. 37(1)	\$50
Application fee for a retail cannabis business licence s. 37(1)	\$ _____ \$1000
Annual fee for a retail cannabis business licence s. 37(1)	\$ _____ \$500
Application to reconsider a decision of the Lands Manager (refusal to approve an application for a standard business licence; suspension or suspension of standard business licence or retail cannabis business licence) s. 42	\$ _____ \$50

Commented [HV5]: Needs formatting to resemble LNIB's other laws.

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MUNICIPALITY	APPLICATION FEES		ANNUAL FEES	
	Cannabis business licence	Standard business licence	Cannabis business licence	Examples of fees for standard business licences
Kamloops	n/a	n/a	\$5,000.00	<p>\$196.40 Restaurant bakery, deli, caterer, licenced liquor retail store</p> <p>\$617.20 Cabaret, nightclub, neighbourhood pub including accessory sale of food</p> <p>\$729.20 Financial and brokerage companies with 1-20 employees</p>
Merritt	\$650.00	\$50.00	\$150.00	\$150.00 Regular business licence (when applicant renews their business licence prior to expiry, the regular business licence fee will be \$135.00)
Kelowna	<p>\$1,000.00</p> <p>Rezoning fee: \$9880.00</p>	\$25.00	\$510.00	<p>\$127.51 Restaurant with total floor area less than 140 square metres (\$155.69 for floor area greater than 140 square metres)</p> <p>\$140.94 Wholesale retailer with floor area less than 464 square metres</p> <p>\$510.00 Casino</p> <p>\$639.22 Beer and wine store</p>
West Kelowna	\$7,500.00	n/a	\$360.00	<p>\$60.00 home-based businesses, commercial/industrial office subleases</p> <p>\$135.00 Retail/wholesale outlets, restaurants, brokers/mortgage/investment companies, theatres/concert halls, professionals (doctors, dentists, lawyers)</p> <p>\$360.00 Night clubs/pubs (liquor primary licences)</p>
Summerland	\$1,500.00	n/a	\$400.00	<p>\$175.00 Vast majority of business licenses including contractor, manufacturer, newspaper publisher, restaurants and pubs with under 25 seats</p> <p>\$200.00 Motel/hotel, campgrounds</p>

				<p>\$225.00 Winery with sales over 25,000 litres</p> <p>\$575.00 Banker, credit union, financial institution</p>
Penticton	\$2,500.00	\$80.00 (non-refundable deposit credited toward licence fee)	\$5,000.00	<p>\$180.00 Business licence base fee</p> <p>\$250.00 Short term vacation rental (major)</p> <p>\$400.00 Short term vacation rental (major) high occupant</p>
Vernon	\$5,000.00	\$100.00	\$2,000.00	<p>\$125.00 Contractors</p> <p>\$175.00 Liquor primary/food primary with liquor with floor area over 2500 square metres</p> <p>\$525.00 Market—indoor or outdoor</p> <p>\$800.00 resident business with floor area over 2500 square metres</p>
Osoyoos	\$1000.00	n/a	\$500.00	<p>\$75.00 Base business licence fee, encompasses majority of business</p> <p>\$100.00 Pub, cabaret, contractor</p> <p>\$150.00 Hotel/motel operating restaurant or lounge</p> <p>\$300.00 Bank, drug store, supermarket, department store, grocery chain store</p>
Lake Country	\$550.00	n/a Liquor licence application fee: \$550.00	\$500.00 (free for the first year)	<p>\$75.00 Home-based business licence</p> <p>\$100.00 Annual business licence (non-home-based)</p>

LNIB SUBDIVISION, DEVELOPMENT AND SERVICING LAW

Enacted on _____

Authorized Signatory for LNIB

[Print Name]

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____ (Day/Mo/Year)
_____ Signature of Law Clerk

*SUBDIVISION, DEVELOPMENT, AND SERVICING LAW
AND SCHEDULES*

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AND SCHEDULES*

PREAMBLE

WHEREAS since time immemorial, the members of the Lower Nicola Indian Band have continuously and without interruption occupied our territory and exercised Aboriginal title to our traditional lands;

AND WHEREAS our relationship with the land governs our responsibility to respect, monitor, maintain, manage, protect, and benefit from the land;

AND WHEREAS Lower Nicola **India** Band has an inherent right to self-government which emanates from its people, culture, language, and land, and which is recognized and affirmed by section 35 of the Constitution Act, 1982;

AND WHEREAS our Nation has chosen to assume control of its Indian Reserve Lands pursuant to the First Nation Lands Management Act, S.C. 1999 C. 24 by entering into the Individual Agreement on First Nation Land Management between Lower Nicola Indian Band and Her Majesty The Queen In Right Of Canada and by adopting the Lower Nicola Indian Band Land Code;

AND WHEREAS under sections 6.1 and 6.2 of the Land Code, Council is authorized to establish laws relating to lands, including the development of our land and relating to Licences in relation to our land;

AND WHEREAS section 14.2 of the Land Code provides that Council may, after full and fair consideration of any recommendations of the Lands Management Advisory Committee, establish mandatory standards, criteria and forms for Licences in LNIB Land;

AND WHEREAS section 16.1 of the Land Code provides that Council may by Resolution, upon a recommendation from the Lands Management Advisory Committee, grant Licences in LNIB Land including Licences to take Natural Resources from LNIB Land;

AND WHEREAS section 31.2 of the Land Code provides that Council may, by enacting a Law, delegate administrative authority to an individual or body established or authorized under the Land Code or a Law;

AND WHEREAS section 2.1 of the Land Code authorizes the Lands Manager to, among other things, oversee the day to day operations of the Lands Department and the administration of the Land Code;

AND WHEREAS Lower Nicola Indian Band has a vision of a healthy and prosperous community respecting the environment and all of Creation;

NOW THEREFORE the Council enacts as follows:

PART 1 - CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

Citation

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

*SUBDIVISION, DEVELOPMENT, AND SERVICING LAW
AND SCHEDULES*

Purpose

2. The purpose of this Law is to promote environmentally sustainable, healthy, safe and well-planned development of LNIB Land that also meets the strategic goals and supports the socio-economic objectives of LNIB.

Application

3. (1) This Law applies to all LNIB Land.
(2) This Law binds the LNIB government.

Paramountcy

4. If there is a conflict between this Law and the Land Code, the Land Code will prevail.

Definitions

5. (1) In this Law:

“authorization” means a written authorization issued under section 12 in a form approved by Council;

“authorization form” means the Subdivision, Development and Servicing Application authorization form provided in the Development Authorization Guide.

“building” includes a structure;

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

“construction” includes alteration, repair, removal and demolition;

“contamination” means the presence of substances on LNIB Land that exceed applicable standards contained in the Contaminated Sites Regulation (British Columbia) or that exceed the applicable standards in a Law related to contamination;

“Cultural Heritage Policy” means the LNIB Cultural Heritage Policy;

“Development Authorization Guide” means the policy document approved by Council that sets out land development procedures on LNIB Land;

“Director of Lands” means the LNIB Director of Lands;

“enforcement officer” means the Lands Manager and any person appointed by Council, from time to time, to ensure compliance with this Law, and includes any delegate, the RCMP and any peace officer;

“General Requirements for Engineering” means the General Requirements for Engineering on LNIB Land at Schedule “A”;

*SUBDIVISION, DEVELOPMENT, AND SERVICING LAW
AND SCHEDULES*

“General Requirements for Environmental Assessments” means the General Requirements for Environmental Assessments on LNIB Land at Schedule “B”;

“General Requirements for Timber Permits” means the LNIB General Requirements for Timber Permits at Schedule “C”;

“LNIB Land Use and Zoning Law” means the Lower Nicola Indian Band Land Use and Zoning Law, DATE;

“place” means

- (a) a dwelling,
- (b) a building or structure or any part of a building or structure other than a dwelling, or
- (c) a vehicle, vessel, or trailer;

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

“soil” includes sand, gravel, rock and other materials of which land is formed;

- (3) In addition to the terms defined in this Law, terms used in this Law may be defined in the Land Code.

Interpretation

- 6. (1) A reference in this Law to an enactment is to be construed as including a reference to that enactment as it may be amended from time to time.
- (2) Unless otherwise specified, a reference in this Law to a section is a reference to a section of this Law.
- (3) Unless otherwise specified, a reference in this Law to a subsection or paragraph is a reference to a subsection or paragraph of the section or subsection in which the reference occurs.
- (4) A word in the singular form may be read in the plural form if the context allows it and a word in the plural form may be read in the singular form if the context allows it.
- (5) Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this Law will be guided and interpreted in accordance with the culture, traditions and customs of LNIB.

Severability

- 7. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid

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portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

8. Nothing under this Law must be rendered void or invalid by
- (a) an error or omission in a notice, form, permit or other document given or authorized under this Law; or
 - (b) a failure of LNIB, a LNIB official or their delegate to do something within the required time.

PART 2 - ADMINISTRATIVE PROVISIONS

Delegation

9. (1) Council delegates to the Lands Manager Council's authority to grant an authorization and otherwise exercise the necessary administrative authority to administer this Law.
- (2) The Lands Manager may delegate his or her duties set out at section 16 to Lands Department staff.

PART 3 - GENERAL DEVELOPMENT REQUIREMENTS

Approving requirements as schedules

10. (1) Council may approve requirements as a schedule to this Law imposing additional conditions on development on LNIB Land.
- (2) A requirement approved by Council and added as a schedule to this Law under subsection (1)
- (a) has the force of law; and
 - (b) must not be approved except in accordance with section 7 of the Land Code and, if the schedule relates to a matter listed in sections 12.3 (a) through (i) of the Land Code, in accordance with section 12 of the Land Code.
- (3) Subject to section 15(2), a reference to "this Law" includes any requirements approved as schedules to this Law.
- (4) For certainty, requirements approved as a schedule to this Law under this section will apply to subject matter beyond the scope of this Law.

Conflict

11. If there is a conflict between the standards of the B.C. Building Code and the General Requirements on Engineering, the standards of the B.C. Building Code will prevail to the extent of any inconsistency.

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Prohibited activities without authorization

- 12.** Subject to the exemptions at section 13, a Person must not undertake any of the following activities on LNIB Land except in strict compliance with an authorization, an applicable land use plan and environmental management plan, the Cultural Heritage Policy, the B.C. Building Code and any applicable policies and enactments:
- (a) the subdivision of LNIB Land;
 - (b) the construction, alteration, enlargement, addition, demolition, or removal of a building, including for certainty, signs, swimming pools and decks;
 - (c) the installation of a street, intersection, sewer system, water system or other infrastructure of any kind;
 - (d) the clearing, grading, blasting, excavating or other alteration of LNIB Land;
 - (e) the deposit or removal of more than 10 m³ of soil;
 - (f) the removal of trees; and
 - (g) other activities designated by Council in a regulation.

Exemptions

- 13.** (1) Subject to section 14, a Person with an Interest or Licence in the parcel of LNIB Land or who has permission from the holder of the Interest or Licence, upon which any of the following activities is proposed, does not require an authorization if the activity complies with the relevant standards provided in the B.C. Building Code, an applicable land use plan and environmental management plan, the Cultural Heritage Policy and all applicable enactments:
- (a) the construction, alteration, enlargement, addition, demolition, or removal of a non-residential building having a footprint of less than 18.5 m² (approximately 200 square feet);
 - (b) non-structural alterations or repairs of a building;
 - (c) the construction of trails, driveways, or internal roads for single family residential sites on which the internal road or driveway is located entirely on a single parcel of land;
 - (d) landscaping and yard work that does not require an excavation deeper than 1.5 m or the removal or deposit of more than 10 m³ of soil;
 - (e) the removal of trees that qualifies for an exemption provided in the General Requirements for Timber Permits; and
 - (f) the installation of recreational or storage trailers and temporary structures, provided such trailers and temporary structures are not used for permanent residence and have no hook-ups or connections to services.

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- (2) To qualify for an exemption under subsection (1), the instrument granting the Interest or Licence in the parcel of LNIB Land upon which an activity is proposed must not prohibit the proposed activity.
- (3) Council does not require an authorization to approve, by Resolution, dyking, erosion control, flood protection, tree removal or any other activity for which an authorization is required under this Law, if
 - (a) Council has determined that such activity is urgently and immediately necessary to prevent loss of life or damage or injury to people or property; and
 - (b) any necessary contact is first made with BC One Call, or other service that replaces BC One Call with respect to the location of underground lines.
- (4) The LNIB government is deemed to have an Interest or Licence in LNIB Community Land.

Activity ineligible for exemption

14. An exemption under section 13(1) does not apply
 - (a) if the proposed activity involves the likely release of contamination or a polluting substance into a water body; or
 - (b) to any of the following proposed activities if they will be carried out within 30 metres of a water body:
 - (i) an activity described at section 13(1)(a), or
 - (ii) an activity described at section 13(1)(b), with the exception of painting.

Authorization for tree removal

15. (1) The following applications or portions of applications must be made and considered in accordance with the General Requirements for Timber Permits:
 - (a) an application for an authorization to remove trees from LNIB Land for timber harvesting purposes; or
 - (b) any portion of an application for an authorization that involves removing trees to clear land to undertake another component of the proposed activity.
- (2) For certainty, this Law applies to regulate the removal of trees from LNIB Land with the exception of sections 16 to 21.
- (3) For an application identified at subsection (1)(b) that includes a separate review process for different aspects of the application, the Lands Manager may take any reasonable steps to facilitate a coordinated review of the application to reduce any duplication or redundancy in the review process.
- (4) If there is any conflict between the provisions of the General Requirements for Timber Permits and this Law, this Law will prevail to the extent of any inconsistency.

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Application for authorization

- 16.** (1) Subject to subsection (2), every applicant applying for an authorization to carry out an activity described in section 12 must provide to the Lands Manager
- (a) an application that includes the information required in the authorization form to the Lands Manager;
 - (b) any supporting documents, information or approvals that demonstrate compliance with:
 - (i) the General Requirements for Environmental Assessments,
 - (ii) the provisions of the General Requirements for Engineering that the Lands Department advises are applicable to the activity,
 - (iii) any additional requirements set out as a schedule to this Law,
 - (iv) the requirements in the Development Authorization Guide, and
 - (v) any applicable fees as described in the Development Authorization Guide or in a schedule to this Law.
- (2) An applicant must provide any additional information and documents that are requested by the Lands Manager or the Lands Management Advisory Committee.

Referral and comment on application

- 17.** As soon as practicable after receiving a complete application and any applicable fees under section 16, the Lands Manager must:
- (a) refer the application to a meeting of the Lands Management Advisory Committee with all relevant information and documents for their review;
 - (b) circulate the application and all relevant information and documents to LNIB administration for comment;
 - (c) for applications for subdivisions, multi-family structures or significant changes in use or increases in density, refer the application to all adjacent Interest-holders for comment; and
 - (d) if appropriate, refer aspects of the application to the City of Merritt and the Thompson Nicola Regional District for comment.

Lands Management Advisory Committee review

- 18.** (1) As soon as practicable following their receipt of an application under section 16, the Lands Management Advisory Committee must:
- (a) account for the principles and factors provided at section 21, all applicable information, documents and any comments received under section 17; and

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- (b) make a recommendation to the Lands Manager on whether to approve or refuse to approve the application supported with written reasons.
- (2) If the Lands Management Advisory Committee recommends that the Lands Manager approve the application, their recommendation must specify the date the authorization should expire.
- (3) Without limiting the generality of the Lands Management Advisory Committee's discretion to make a recommendation under subsection (1), the Lands Management Advisory Committee's recommendation may include or relate to the items provided at section 21.
- (4) The Lands Management Advisory Committee must provide the following to the Lands Manager within 14 days of making their recommendation:
 - (a) a written record of their recommendation;
 - (b) the application;
 - (c) all relevant information and documents; and
 - (d) any comments received under section 17.

Lands Manager decision

- 19. (1) As soon as practicable following the Lands Manager's receipt of the materials provided under section (4), the Lands Manager must:
 - (a) account for the principles and factors provided at section 21, all applicable information, documents and any comments received; and
 - (b) decide whether to approve or refuse to approve the application supported with written reasons.
- (2) The Lands Manager may approve an application with any reasonable terms or conditions that may include or relate to the items provided at section 22.
- (3) The Lands Manager's approval under subsection (2) must specify the date the authorization will expire.

Issuing instrument demonstrating authorization

- 20. Following the Lands Manager's decision under section 19, the Lands Manager must do either of the following in accordance with his or her decision:
 - (a) issue a permit or other form of authorization to the applicant that shows all applicable terms or conditions, and which must include the date the authorization expires; or
 - (b) notify the applicant that the application has been refused with a copy of the Lands Manager's written reasons.

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General principles to be considered in reviewing applications

- 21.** In addition to any other considerations set out in this Law and other applicable enactments, the following general principles and factors must be considered by the Lands Management Advisory Committee and the Lands Manager when considering an application for an authorization:
- (a) the promotion of health, safety, convenience and welfare of Members and of Interest-holders, residents, occupants of LNIB Land;
 - (b) the well-planned and orderly development of LNIB Land and the preservation of amenities and special features of LNIB Land;
 - (c) compliance with any applicable land use plan, environmental management plan, zoning requirements and other LNIB Laws and policies and with applicable federal, provincial and municipal laws and standards;
 - (d) environmental protection and enhancement;
 - (e) flood plain measures;
 - (f) adherence to LNIB housing policies;
 - (g) the provision of community benefits and the development of community amenities;
 - (h) the protection and enhancement of cultural and heritage sites;
 - (i) compatibility with LNIB culture;
 - (j) viewscales, aesthetics and visual qualities;
 - (k) the provision of adequate parking, access and emergency access;
 - (l) the character of the proposed activity or project in relation to the character of the zone, neighbourhood, and the existing buildings in the area;
 - (m) the conservation of property values;
 - (n) the potential impacts on adjacent uses, Interest-holders and occupants;
 - (o) the development of the zone, neighbourhood and LNIB Land in a manner that contributes to the economic, environmental, cultural and community health of LNIB, Members and the occupants of LNIB Land;
 - (p) any information provided and any authorizations granted by LNIB, including any terms or conditions, in relation to the same project or the same lands; and
 - (q) any other factors which may have an impact on the community or LNIB Land.

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Examples of recommendations, terms or conditions

22. The following may form the basis for a Lands Management Advisory Committee recommendation under section 18(1)(a) or the Lands Manager's terms or conditions on an authorization under section 19(2):
- (a) relating to the general principles set out at section 21;
 - (b) posting of bonds, irrevocable letters of credit or other form of security, and the necessary percentage or amount;
 - (c) dedication of up to 5% of the applicable land for parks, greenspace or community use, or a cash donation in lieu of a land dedication;
 - (d) preferred lot reconfigurations to ensure viable subdivisions;
 - (e) construction of intersections, access and emergency access routes;
 - (f) construction of parking spaces;
 - (g) construction of sidewalks;
 - (h) purchase and installation of street lights;
 - (i) completion of or adherence or compliance with servicing agreements with the City of Merritt or the Thompson Nicola Regional District, if applicable;
 - (j) provision of updated plans, reports or studies, including as-built drawings after the completion of the development or project;
 - (k) requirements for staging or sequencing of the development or project including requirements for interim reports;
 - (l) set-backs or buffers including from property lines and environmental features;
 - (m) mitigation measures incorporating flood plain requirements, erosion control and sediment control;
 - (n) noise and dust prevention; and
 - (o) any other relevant measures.

PART 4 - ENFORCEMENT

Suspending or revoking an authorization

23. (1) In addition to any other remedies or penalties under this Law, or any other applicable Laws, the Lands Manager may, with reasonable cause after giving notice to the authorization-holder
- (a) suspend the authorization for all or part of the year; or

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- (b) revoke the authorization.
- (2) Upon suspending or revoking an authorization under subsection (1), the Lands Manager may restrict a Person from holding an authorization for up to three years for reasonable cause.
- (3) Without limiting the interpretation of reasonable cause under subsections (1) or (2), the following may serve as grounds to suspend or revoke a Person's authorization or restrict a Person from being issued an authorization:
 - (a) the Person is convicted of any offence under any Law or federal or provincial law relating to the activity for which they are authorized, or with respect to the land identified in the authorization;
 - (b) the Person has ceased to meet the lawful requirements to carry on the activity for which they are authorized or relating to the land identified in the authorization.
- (4) A Person whose authorization has been suspended or revoked or whose ability to hold an authorization has been restricted under subsections (1) or (2) may appeal to Council in accordance with section 28 on the grounds that there was no reasonable cause for the decision.

Authority of enforcement officers

- 24.** (1) In addition to any powers set out in a Law addressing the enforcement of Laws and the authority of enforcement officers and without limiting an enforcement officer's powers at law, an enforcement officer is authorized to do the following for the purpose of performing his or her duties or exercising his or her powers in relation to this Law:
- (a) issue compliance notices;
 - (b) issue tickets;
 - (c) issue a stop work order to order any Person who has not received full and proper authorization to cease carrying out any activities prohibited under section 12, which includes for certainty, carrying out activities if the Person's authorization is suspended or was revoked under section 23(3)(b);
 - (d) order any of the following to occur within 30 days:
 - (i) the removal of buildings, other structures or installations, or parts of them, that are constructed, altered or installed in violation of this Law or an authorization,
 - (ii) the remediation and restoration of the applicable parcel of land to standards satisfactory to the Lands Manager to address any structural damage, the creation of a potential hazard or environmental risk, or the introduction of contamination on the land.
- (2) A stop work order imposed under subsection (1)(c) may be registered in court and enforced as a court order and continues in force until the condition that led to it is

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remediated or until the activity that is the subject of the stop work order receives an authorization.

- (3) If a Person fails to comply with an order under subsection (4)(d) within 30 days, the Lands Manager may order the following be carried out at the Person's expense:
- (a) buildings, other structures or installations, or parts of them, be removed; or
 - (b) remediation or restoration of the land to standards satisfactory to the Lands Manager.

PART 5 - OFFENCES AND PENALTIES

Offences

- 25.** A Person who does any of the following commits an offence:
- (a) provides false or misleading information in order to obtain an authorization;
 - (b) carries out an activity prohibited under this Law without having first received a valid authorization;
 - (c) contravenes an authorization;
 - (d) neglects or refrains from doing anything required to be done pursuant to the provisions of this Law;
 - (e) contravenes an order made by a court in relation to this Law;
 - (f) obstructs, interferes with or denies access onto any land or into any building to an enforcement officer whose entry is authorized under this Law; or
 - (g) otherwise contravenes this Law.

Penalties

- 26.** (1) A Person who commits an offence under section 25 is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than three months, or to both.
- (2) Where any contravention of this Law is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.
- (3) A fine payable under subsection (1) must be remitted to LNIB by the court, after reasonable court costs have been deducted.
- (4) For certainty, despite subsection (1), an enforcement officer is authorized to issue a ticket under section 24(1)(b) to impose a sanction or fine for contraventions of this Law.
- (5) Outstanding monetary penalties or fines are recoverable by LNIB as a debt due to it.

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- (6) Subject to a LNIB land registry law or enforcement law and without limiting the application of subsection (5), LNIB may register a debt instrument for any debt owing under subsection (5) against the applicable parcel of LNIB Land in the First Nations Land Registry.
- (7) The Person named in a debt instrument registered on a parcel of LNIB Land in the First Nations Land Registry may not transfer any Interest or Licence in the parcel until
 - (a) the Person pays to LNIB the debt amount; and
 - (b) LNIB authorizes the discharge of the debt instrument from the applicable parcel.

Liability

- 27.** (1) The granting of an authorization does not
- (a) constitute evidence that the applicable activity is valid or legal; or
 - (b) create any liability on behalf of LNIB.
- (2) The refusal to grant an authorization does not create any liability on behalf of LNIB.
- (3) The following parties are jointly and severally liable for any structural damage, for creating a potential hazard or environmental risk, or for introducing contamination on a parcel of land in connection with an authorization or a matter regulated under this Law:
- (a) the authorization-holder;
 - (b) the holder of the Interest or Licence in the applicable parcel of land; and
 - (c) any other Person who causes or contributes to the structural damage, potential hazard, environmental risk or the introduction of contamination on the land.
- (4) Further to section 24(3)(b), if a Person is liable under that section and does not remediate or restore the land to standards satisfactory to the Lands Manager, the Person is responsible for the cost of any remedial work and restoration, any related expenses, and administrative and professional fees and costs that may be incurred by LNIB remediating or restoring the site and any sites adjacent to the applicable parcel of land, including land located outside LNIB Land.
- (5) No person, including without limitation, Council, members of Council, employees of the LNIB government, a volunteer and any other person appointed, authorized or required to carry out measures relating to an emergency or disaster pursuant to section 13(3), is liable for any loss, cost, expense, damage or injury to persons or property that results from:
- (a) the person in good faith doing or omitting to do anything that the person is appointed, authorized or required to do under this Law, unless, in doing or omitting to do the act, the person is grossly negligent; or

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

PART 6 - APPEALS

Appealing decision to suspend or revoke

- 28. (1) Subject to a Law that addresses dispute resolution, any person whose authorization has been suspended or revoked in accordance with section 23 may appeal the decision by filing a notice of appeal to the Director of Lands setting out
 - (a) the nature of the dispute;
 - (b) the facts and arguments upon which the person initiating the dispute relies; and
 - (c) the relief that is sought.
- (2) For certainty, there is no right of appeal of the Lands Manager's decision to refuse to approve an application for an authorization.

Time limit

- 29. (1) A notice of appeal must be delivered within 30 days of the decision or action to which the dispute applies.
- (2) Delivery will be effected by:
 - (a) hand delivery;
 - (b) registered mail; or
 - (c) email.

Council consideration of appeal

- 30. Council will consider the notice of appeal within 30 days of delivery of the notice to the Lands Department and, acting reasonably, will either confirm or set aside the suspension or revocation in writing.

Council decision final and binding

- 31. A decision of Council on an appeal under section 30 is final and binding.

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PART 7 - GENERAL PROVISIONS

Delivery

- 32.** (1) A copy of an order or notice made under this Law may be delivered in any of the following ways:
- (a) in person;
 - (b) by leaving a copy of the order or notice with a person who appears to be at least 16 years of age at the actual or last known address of the addressee;
 - (c) by posting a copy of the order prominently on a door of a building at the actual or last known address of the addressee; or
 - (d) by mailing a copy of the order to the actual or last known address of the addressee.
- (2) A copy of an order or notice delivered under subsection (1) is presumed to have been received by the addressee on the fifth (5th) day after mailing.

PART 8 - REGULATIONS

Regulations

- 33.** (1) Council may make any regulations it considers necessary or advisable for purposes under this Law.
- (2) For certainty, the powers of Council under subsection (1) include the power to make regulations:
- (a) respecting the form and content of applications, notices, reports, permits, authorizations and other documents that are required or permitted under this Law;
 - (b) prescribing consultation and public input requirements in respect of applications Provide for in this Law;
 - (c) setting fines for specific contraventions of this Law;
 - (d) defining words and expressions that are used but not defined in this Law; and
 - (e) generally for the purpose of giving effect to this Law.
- (3) Subsection (2) does not restrict Council from approving matters listed in that subsection by Resolution.

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PART 9 - AMENDMENT

Substantive amendments to this law

34. Subject to sections 35 and 36, an amendment or repeal of this Law must only be made by Council as recommended by the Lands Advisory Committee in accordance with the Land Code.

Amendments to the General Engineering Requirements

35. Council may approve amendments to the General Requirements for Engineering by Resolution.

Minor amendments

36. (1) Council may approve a minor amendment to this Law by Resolution.
- (2) For the purposes of subsection (1), minor amendments mean:
- (a) amendments to correct typographical errors;
 - (b) amendments required to reference any relevant new or amended Law;
 - (c) amendments ordered by any court of competent jurisdiction; and
 - (d) amendments which serve to clarify this Law, where there is no reasonable dispute about the intention underlying the original provision.

PART 10 - COMING INTO FORCE

Coming into force

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

THIS LAW IS HEREBY DULY ENACTED by Council on the ___ day of _____, 20___, at _____, in the Province of British Columbia

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SCHEDULES