

LAND USE REGULATION ACT

**NEW AIYANSH VILLAGE GOVERNMENT
LAND USE REGULATION ACT**

New Aiyansh Village Government enacted this law on JANUARY 4, 2001

Mr. Brian Tait, Chief Councillor of the New Aiyansh Village Government, signed this law on

January 10, 2000
DATE

Brian Tait
CHIEF COUNCILLOR

<p>NISGA'A NATION - REGISTRY OF NISGA'A LAWS</p> <p>Certified a true copy of <u>Above named Village Act,</u> enacted <u>4/01/01</u></p> <p><u>[Signature]</u> Law Clerk, Wilp Si'ayuukhi Nisga'a</p> <p><u>3/10/01</u> date</p>

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Interpretation

1 In this Act:

“building” includes structures of every kind;

“Nisga’a Lisims Government”; means the government of the Nisga’a Nation described in the Nisga’a Constitution;

“Nisga’a Village” means the village of New Aiyansh;

“Nisga’a Village Government” means the government of the Nisga’a Village of New Aiyansh;

“Nisga’a Village Lands” means Nisga’a Village Lands of the Nisga’a Village;

“owner” means a person in possession or control of land or buildings;

“use” includes construction, reconstruction, alteration, moving, extension, maintenance and occupancy.

Application

2 This Act applies to all lands and buildings within Nisga’a Village Lands.

Approval required for change in use

3 No owner may change the use of land or buildings within Nisga’a Village Lands without written approval from the Nisga’a Village Government.

Application for approval

- 4
- (1) To obtain written approval from the Nisga’a Village Government under section 3, an owner must submit an application to a person designated by the Nisga’a Village Government.
 - (2) An application under subsection (1) must
 - (a) be in writing and signed by the owner,
 - (b) contain a legal description of the land or building which is the subject matter of the application,

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- (c) provide information in respect of the existing use and proposed change in use of the land or buildings, including any possible effects of the change on adjacent lands and other Nisga'a Village Lands, and
 - (d) contain any other information which the Nisga'a Village Government reasonably requests.

(Is there any desire or need to provide public notice of all applications for changes in land use? If this is something a Village Government feels is desirable then they could consider the following provision.)

Public notice

- 5 (1) As soon as practicable after receiving an application under section 4, the Nisga'a Village Government must give the public written notice of the application.
- (2) A notice under subsection (1) must:
- (a) summarize the information provided by an applicant under section 4(2), and
 - (b) invite the public to make written submissions on the application, to the Nisga'a Village Government, not more than 21 days after the notice is posted.

Basis for consideration of application

- 6 Within 7 days after receiving an application from an owner under section 4, the Nisga'a Village Government must determine whether it will approve or reject the application on the basis of the written application or an oral hearing.

Public hearings

- 7 Unless the Nisga'a Village Government orders otherwise, an oral hearing on an application under section 4 is open to the public.

Oral hearings

- 8 (1) If the Nisga'a Village Government determines to decide an application under section 4 on the basis of an oral hearing, it must

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- (a) give an owner not less than 14 days written notice of the hearing, and
 - (b) if the hearing is open to the public, give the public not less than 14 days written notice of the hearing.
- (2) A notice under subsection (1) must state the time, date and location of the hearing.

Oral hearing process

- 9 (1) The Nisga'a Village Government may determine the practice and procedure for the conduct of oral hearings.
- (2) The Nisga'a Village Government must conduct an oral hearing in an application under section 4 as expeditiously and informally as possible but in all events must
 - (a) give the owner the opportunity to make submissions, and present relevant information, and
 - (b) if the hearing is open to the public, provide members of the public present at the hearing with a reasonable opportunity to make a submission at the hearing.
- (3) Owners may represent themselves personally or be represented by legal counsel or an agent, at their own expense.

Written application process

- 10 If the Nisga'a Village Government determines to decide an application under section 4 on the basis of the written application given, then it must consider all written submissions received from the public in response to the notice under section 5.

Decision

- 11 (1) The Nisga'a Village Government must approve or reject an application under section 4, as soon as practicable
 - (a) after the close of any oral hearing held, or
 - (b) if no oral hearing is held, after the 21 day period to make written submissions in section 5(2) has expired.
- (2) In approving an application under section 4, the Nisga'a Village Government may impose terms and conditions, including the size and location of any building on the land of an owner.

- (3) In deciding whether to approve or reject an application under section 4, the Nisga'a Village Government must consider whether the proposed change of use is
 - (a) consistent with the physical development plan for the Nisga'a Village, and
 - (b) in the public interest.
- (4) A copy of the physical development plan referred to in subsection (3) must be available for inspection by the public at the principal administration offices of the Nisga'a Village Government during the operating hours of the Nisga'a Village Government.
- (5) A decision under subsection (1) must be in writing and given to the applicant and the public as soon as practicable.

Notice

- 12 (1) A notice or decision required to be given under this Act to
- (a) an applicant under section 4 must be
 - (i) sent by mail to the resident address of the applicant, or
 - (ii) personally delivered to the applicant,and will be deemed to have been given to the applicant,
 - (b) if mailed, on the fifth day following the date of its mailing to the resident address of the applicant, and
 - (c) if delivered, immediately upon being delivered to or being left at the resident address of the applicant.
- (2) A notice or decision required to be given to the public under this Act
- (a) must be prominently posted on a notice board accessible to the public at the principal administration offices of the Nisga'a Village Government, and
 - (b) will be deemed to have been given on the day it is posted.

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Right of review

13 A person

(a) whose application for a licence under section 4 has been refused, or

(b) whose licence has been made subject to terms and conditions under section 11(2),

may request a review of that decision under the *Nisga'a Administrative Decisions Review Act*.

Penalties

14 A person who contravenes section 3 commits an offence punishable under the *Nisga'a Offence Act*.

Commencement

15 This act comes into force on **January 4, 2001** .