

**CHIPPEWAS OF GEORGINA ISLAND *PIMACHIOWIN AKI LAND*
USE LAW**

PREAMBLE

WHEREAS Creator gave the inherent right to the Chippewas of Georgina Island First Nation to enact laws to improve the quality of life for the Chippewas e-dbendaagzijig of Georgina Island First Nation, to protect and preserve our Chippewa culture, language, customs, traditions and practices, and to protect and preserve our traditional lands, our islands in Lake Simcoe, and our waters;

AND WHEREAS the Chippewas of Georgina Island First Nation have and continue to exercise our inherent rights to self-determination, which includes the inherent right to govern ourselves and our presence on and use of our lands;

AND WHEREAS the Chippewas of Georgina Island First Nation exercises control over its lands and resources pursuant to the *First Nation Land Management Act Framework Agreement*, and has enacted the *Chippewas of Georgina Island First Nation Land Management Code*, which came into force and effect on January 1, 2000;

AND WHEREAS Under *Chippewas of Georgina Island First Nation Land Management Code*, Georgina Island Council is authorized to pass various laws relating to lands, including laws relating to a land use plan under section 8.2 of the *Land Code*;

AND WHEREAS the Chippewas of Georgina Island are entitled to the seizure, detention, search and forfeiture of goods and chattels pursuant to section 19.1(c) of the *First Nation Land Management Act Framework Agreement* when they have reasonable grounds to believe that this Law has been contravened;

AND WHEREAS Council wishes to implement a law to ensure that the use of land within Georgina Island Lands is regulated to protect the community, Georgina Island Lands and any person holding an interest in Georgina Island Lands from unsustainable or incompatible developments or land uses and to encourage developments and land uses that contribute to the well-being of the community and the environment;

AND WHEREAS Georgina Island Members have approved a Land Use Plan dated _____;

NOW THEREFORE this *Chippewas of Georgina Island Pimachiowin Aki Land Use Law* is hereby enacted at a duly convened meeting as a Law of Georgina Island.

NAME

1. This Law may be cited as the *Chippewas of Georgina Island First Nation Pimachiowin Aki Land Use Law* or in short as the “*Georgina Island Land Use Law*”.

DEFINITIONS

2. For the purposes of this Law, terms have the same definitions as in the *Chippewas of Georgina Island First Nation Land Management Code* and the *Pimachiowin Aki Community Land Use Plan*.
3. The following definitions apply:
 - a. “Appeal” means a formal request to have a decision reviewed by the Lands Advisory Committee in accordance with the Land Use Plan;
 - b. “Band Council Resolution” or “BCR” means a written resolution or authorizing document of Chief and Council adopted at a duly convened meeting of the elected Chief and Council of the Chippewas of Georgina Island First Nation;
 - c. “Certificate of Possession” or “CP Holder” means an individual who holds a certificate of possession over identified Georgina Island Lands;
 - d. “Chief and Council” or “Council” means the Chief and Council of Georgina Island First Nation;
 - e. “Develop” means any physical operation, such as excavating, filling, draining, or removal of trees and/or vegetation; or altering any existing building or structure by an addition, enlargement, extension or other structural change; and any work which requires a building Land Use Permit;
 - f. “Dispute Resolution Body” means the Lands Advisory Committee appointed by Council to deal with disputes and appeals relating to Georgina Island First Nation Lands, as defined in section 25 of the *Chippewas of Georgina Island First Nation Land Management Code*.
 - g. “Georgina Island First Nation” or “GIFN” means the Chippewas of Georgina Island First Nation;
 - h. “Georgina Island First Nation Lands” means any reserve land referred to in section 6 of the *Chippewas of Georgina Island First Nation Land Management Code*, including all the rights and resources that belong to that land;
 - i. “Lands Advisory Committee” means the body appointed by Chief and Council to administratively oversee compliance with the Land Use Plan, to assess whether amendments need to be made, and the body

to which appeals are made under this Law;

- j. "Land Use Designation" means a classification of land which identifies the desired use of land over the long-term. Designations are typically made to meet the land's capacity of use (i.e., land with rich soil may be designated for agricultural use, land away from residential areas may be designated for industrial use, and so on);
- k. "Land Use Plan" means the *Pimachiowin Aki Community Land Use Plan* dated _____;
- l. "Land Use Permit" means a permit that is issued by the Lands Manager and/or Council that authorizes the holder to engage in land-based development and/or activities in accordance with the Community Land Use Plan and this Law;
- m. "Lessee" or "Lease Holder" means an individual or entity (tenant) who receives the right to possess or use property in accordance with an agreement;
- n. "Officer" means a Peace Officer described in the federal *Criminal Code* and includes any person duly appointed by Chief and Council to enforce the laws of the Chippewas of Georgina Island, such as By-Law Officers, Municipal Officers, Police Constables, the Ontario Provincial Police (OPP), or another Ontario Police Service with the duty to preserve and maintain the public peace;
- o. "Personal information" means any information for the purposes of identification of individuals, recorded in any form, about a person or persons whose identity may be determined from such information, including vehicle information;
- p. "Premises" means lands and structures and either of them on Georgina Island First Nation and includes buildings or structures on it, including but not limited to private, residential and commercial properties;
- q. "Stop Work Order" means an order made by Council, an Officer, Lands Manager, or any person duly appointed by Chief and Council to immediately cease any work or development on the lands identified in the order;
- r. "Violation Notice" means a notice provided by Council, an Officer, Lands Manager or any person duly appointed by Chief and Council to enforce the laws of the Chippewas of Georgina Island, that outlines the specific violation under this Law or Land Use Plan.

PURPOSE

4. The purpose of this Law is to promote good, healthy, sustainable and community-

oriented land uses and to protect our culture and the unique Indigenous Identity of Georgina Island First Nation in accordance with the Land Use Plan.

APPLICATION

5. The provisions of this Law apply to the whole area of Georgina Island First Nation Lands as defined in 6.1 of the *Chippewas of Georgina Island First Nation Land Management Code*. This includes:
 - a. the Indian Reserve on Georgina Island, Fox Island and Snake Island known as Reserve # 33;
 - b. the Indian Reserve at the “Marina” known as Reserve #33A; and,
 - c. all lands which may be set apart, after this Land Code comes into force, as reserve lands for the exclusive use and benefit of Georgina Island First Nation.

COMPLIANCE WITH OTHER LAWS

6. This Law, federal laws, and provincial laws will exist concurrently. This Law will prevail to the extent of any inconsistency or conflict with other such laws.
7. Officers will have the authority under this Law to collect and share information, including identifying documents and any information collected under and in accordance with this Law, with police and/or with the Lands Manager.
8. An Officer may require and collect information from any person seeking to develop land on Georgina Island First Nation, by request or demand, observation, photograph, video/CCTV, or other means, as appropriate to meet the purposes of this Law, including identifying information and personal information.
9. No action or proceeding for damages shall be instituted against the Chief or a Councillor, an Officer, or any person employed or contracted by Georgina Island First Nation for any act done in good faith in the administration of that person's duties under this Law.

ADOPTION OF LAND USE PLAN

10. The *Pimachiowin Aki Community Land Use Plan* is hereby adopted and given the force of Law.
11. All developments, interests and other land-related plans must comply with the Land Use Plan and be carried out in accordance with the vision, principles

and objectives set out in the Land Use Plan.

NON-CONFORMING USES CONDITIONALLY CONTINUED

12. Despite subsections 10 and 11, the lawful use of land or structures that was in place at the time of the passage of this Law may be conditionally continued as a non—conforming use subject to continuation of the use and to any regulations passed under this Law.

AUTHORITY OF CHIEF AND COUNCIL

13. Council may make any regulations or policies it considers necessary or advisable for purposes under this Law.
14. Council may make amendments to the Land Use Plan in accordance with the amendment section of the Land Use Plan.
15. The powers of Council under this section include the power to make regulations or policy:
 - a. for any purpose in relation to which regulations or policy are provided for in this Law;
 - b. respecting the form, content, procedures and review criteria for applications, notices, and other documents that are required or permitted under this Law;
 - c. setting fees;
 - d. defining words and expressions that are used but not defined in this Law;
 - e. further regulating specific details of land designations or other matters under this Law; and,
 - f. generally for the purpose of giving effect to this Law.

OFFICERS

16. Chief and Council may appoint Officers to provide for the administration and enforcement of this Law, including deeming those to be in violation.
17. The power to appoint under this Law includes the power to revoke the appointment and to appoint a replacement.

OFFICER POWERS

18. Officers will have the authority under this Law to collect and share personal information, in accordance with this Law, with police, Council, the Lands Manager or the Lands Advisory Committee.
19. An Officer may require and collect information as appropriate to meet the purposes of this Law, including personal information from any person seeking to develop on the Chippewas of Georgina Island Lands, by request or demand, observation, photograph, video/CCTV, or other means.
20. Without restricting any other power, duty or function granted by this Law, the Officer may take immediate actions, which include:
 - a. Enter upon any lands to inspect and ascertain compliance with this Law;
 - b. Advise any person not in compliance with this Law that they are violating the law and thereby committing an Offence if they proceed;
 - c. Issue a Violation Notice;
 - d. Issue a Stop Work Order;
 - e. Issue a fine; and,
 - f. Notify Officers, Council, Lands Manager or the Lands Advisory Committee, or relevant legal authorities as appropriate of offences and provide all relevant information as required.
21. Any person who fails or refuses to obey an order made by an Officer commits an Offence.

INSPECTIONS

22. The Chief and Council, Lands Manager, any Officer and any other individual designated by Band Council Resolution is hereby authorized to enter, at all reasonable times, upon any land subject to this Law to ascertain whether this Law is being obeyed.

VIOLATION NOTICE

23. In the event an individual is in violation of this Law or terms or conditions of a Land Use Permit, Chief and Council, Lands Manager or an Officer may provide a Violation Notice to the individual to remedy the violation within thirty days or, in the case of a hazard or other urgent situation, any other such time as the Council, Lands Manager, or Officer deems appropriate, acting reasonably.

STOP WORK ORDERS

24. In addition to any other applicable fine, penalty or remedy, Chief and Council, the Lands Manager, or an Officer may:
- a. issue a Stop Work Order to order any person who has not received a Land Use Permit to cease carrying out any activity, use or construction prohibited or regulated under this Law or any related activity or use; or,
 - b. order any structures, works or installations carried out in violation of this Law to be removed within 30 days, failing which Chief and Council may order them to be removed at the expense of the CP-holder, lessee, or the person who constructed or installed the structures, works or installations without proper authorization;
 - c. In addition to a) and b), order that a Premises, or a portion of a Premises, be closed, shut down, sealed off, or otherwise made unavailable for use until such time as there are required Land Use Permit, or authorization is in place.
25. A Stop Work Order imposed under subsection 24 may be registered in court and enforced as a court order and continues in force until the condition that led to it is remedied or until the activity that is the subject of the Stop Work Order receives a permit or authorization under this Law.

REVOCAION OF LAND USE PERMIT

26. If the individual does not remedy the violation in accordance with the Violation Notice or Stop Work Order then the Chief and Council or the Lands Manager may revoke the individual's Land Use Permit.

COMPLIANCE

27. No provision in this Law shall reduce or mitigate any need to comply with existing Georgina Island Laws, By-Laws, regulations or policies.

OFFENCES AND PENALTIES AND ENFORCEMENT

28. A person who violates any of the provisions of this Law, or who permits any act or thing to be done in contravention of this Law, or who neglects to do or refrains from doing any act or thing which is required by any of the provisions of this Law shall be deemed to have violated the provisions of this Law and committed an offence.

29. A person is guilty of an offence who:

- a. Commences development on land without a Land Use Permit;
- b. Prevents an inspection to be completed;
- c. Does not remedy a violation outlined within a Violation Notice within the prescribed period of time;
- d. Continues carrying out any activity, use or construction or any related activity or use of land after a Stop Work Order has been issued.

ISSUANCE OF TICKETS

30. Chief and Council, Lands Manager or an Officer may issue a ticket to any person who violates, or who neglects or refrains from doing anything required by a provision of this Law or who consents, allows or permits an act or thing to be done in violation of a provision of this Law.

SUMMARY CONVICTION

31. A person who contravenes or permits another person to contravene anything required under this Law is guilty of an offence and is liable on summary conviction to:

- a. a maximum fine up to \$5,000; and,
- b. imprisonment for not more than six (6) months; or,
- c. both.

32. A fine payable under paragraph 31 shall be remitted to Georgina Island First Nation.

CONTINUING OFFENCE

33. Each day that a violation continues or exists under this Law represents a continuing and separate offence.

SEIZURE OF GOODS

34. Whenever an Officer believes on reasonable grounds that this Law has been contravened or an offence has been committed, an Officer may seize all goods and chattels by means of or in relation to which he or she believes on reasonable grounds the Law was contravened or the offence was committed.
35. All goods and chattels seized pursuant to s. 34 may be detained for a period of three months following the day of seizure unless during that period proceedings are undertaken under this Law in respect of the offence, in which case the goods and chattels may be further detained until the proceedings are finally concluded.
36. Where a person is convicted of an offence under this Law, the convicting court or judge may order that the goods and chattels by means of or in relation to which the offence was committed, in addition to any penalty imposed, are forfeited to the Chippewas of Georgina Island and may be disposed of as Chief and Council directs.
37. A Justice who is satisfied by information on oath that there is reasonable ground to believe that there are in a reserve or in any building, receptacle or place any goods or chattels by means of or in relation to which an offence against any of the sections of this Law has been, is being or is about to be committed may at any time issue a warrant under their hand authorizing a person named therein or an Officer at any time to search the reserve, building, receptacle or place for any of those goods or chattels.

CESSATION OF SERVICES

38. When a person refuses to comply with a stop work order or is convicted under this Law and fails to pay the fine, all services provided by the Chippewas of Georgina Island to that person may be discontinued.

PROSECUTION

39. The Chippewas of Georgina Island may, in relation to prosecutions of contraventions of this Law:

- a. Retain its own prosecutors;
- b. Enter into an agreement with His Majesty's government for the use of prosecutors; and/or,
- c. Use Chippewas of Georgina Island community-based justice processes, if established and available.

APPEALS

40. A person unsatisfied with any decision made under this Law may appeal to the Lands Advisory Committee in accordance with the Appeal section in the Land Use Plan.

FEES AND FORMS

41. Chief and Council may by Band Council Resolution and in accordance with this Law, establish, correct, revise or update the terms of any applicable fee and fine schedules, forms, protocols, written policies and Terms of Reference, and/or other related documentation which complement and support this Law, and will make a copy of same available for the public.

AMENDMENTS

42. This Law was duly passed by Chief and Council in accordance with s.9 of the *Chippewas of Georgina Island First Nation Land Management Code* and can be amended by Chief and Council in accordance with the *Chippewas of Georgina Island First Nation Land Management Code*.
43. Chief and Council may make amendments to this Law, which does not change the substance of this Law, by Band Council Resolution at a duly convened meeting of Chief and Council, and such revisions include, but are not limited to:
- a. Corrections to clerical, grammatical, or typographical errors;
 - b. Minor improvements to the language of this Law;
 - c. Clarification of application of the Land Use Plan;
 - d. Changes as may be required to reconcile seemingly inconsistent provisions; and,

- e. Amendments to reference any new or amended laws that are relevant to this Law.

SEVERANCE

- 44. Should a Court determine that a provision of this Law is invalid for any reason, the provision shall be severed from the Law and the validity of the rest of the Law shall not be affected.
- 45. While in place, such measures under this Law will be subject to review to ensure compliance with principles of reasonability and justifiability

COMING INTO FORCE

- 46. This Law has been duly passed in accordance with s. 9 of the *Chippewas of Georgina Island First Nation Land Management Code*.
- 47. This Law is duly passed, as of the date Chief and Council signs the Law, and shall come into force on a date, to be named by Chief and Council, that is no more than ___ days following passage of the Law, as evidenced by Band Council Resolution #____ the ____ day of ____ in the year 2026.

PUBLICATION

- 48. Upon enacting this Law, Chief and Council shall,
 - a. publish in the First Nation Gazette;
 - b. post this Law on their official Chippewas of Georgina Island website;
 - c. post this Law in a public area in the Chippewas of Georgina Island Administration Building.