

## TSLEIL-WAUTUTH NATION

### LAND USE BY-LAW AMENDMENT NO. 1, 2020 TO “TSLEIL WAUTUTH LAND USE BY-LAW 2001”

**WHEREAS** we the Chief and Council (the “Council”) of the Tsleil-Waututh Nation (the “Nation”) enacted the Tsleil Waututh Land Use By-Law 2001 on September 28, 2001 (the “By-law”);

**AND WHEREAS** the Council of the Nation deem it advisable and in the best interests of the Nation to amend the By-law as set out below;

**AND WHEREAS** clause 81(1)(g) of the *Indian Act* states as follows:

*81 (1) The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely,*

*(g) the dividing of the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone.*

**AND WHEREAS** the Council of the Nation enacts this amendment to the By-Law under their authority provided by the Indian Act;

**NOW THEREFORE** the Council of the Nation enacts as follows:

1. The Tsleil Waututh Land Use By-Law 2001, is hereby amended as follows:

a. Section 2, Definitions is amended by adding the following definitions:

“Manager of Lands” means the “Manager of Lands” defined in the Tsleil-Waututh Nation Land Code, 2007;

“TWN Lands Office” means the “Tsleil-Waututh Lands Office” as defined in the Tsleil-Waututh Nation Land Code, 2007;

“Temporary or Seasonal Business” means any business operating in a temporary location and conducting limited, seasonal sales (including, but not limited to, the sale of Christmas trees and fireworks); and

“Temporary/Seasonal Business Permit” means a permit issued by the TWN Lands Office for a Temporary or Seasonal Business.”

b. Section 5 is amended by adding the following sections:

- “5.1 Notwithstanding section 5 of this By-law, a person may operate a Temporary or Seasonal Business on Reserve if the person has been issued a valid and subsisting Temporary/Seasonal Business Permit.
- 5.2 Every person applying for a Temporary/Seasonal Business Permit shall make an application to the TWN Lands Office in a form specified by the TWN Lands Office and this application must include such information as deemed necessary by the TWN Lands Office.
- 5.3 The Manager of Lands may grant a Temporary/Seasonal Business Permit with conditions.
- 5.4 Neither the granting or refusal of a Temporary/Seasonal Business Permit:
- a. is evidence that a Temporary/Seasonal Business Permit or any associated approvals are valid or legal; or
  - b. creates any liability on behalf of Tsleil-Waututh Chief and Council, the Nation, its employees, agents or contractors.

2. This law may be cited as the TWN Land Use By-Law Amendment No. 1, 2020 (the “By-law Amendment”); and
3. This By-law Amendment comes into effect on the date of its enactment.

This By-law Amendment is hereby adopted and enacted by a quorum of the Council of the Nation at a duly convened meeting of the Council of the Nation this 24th day of November, 2020.

Voting in favour of this By-law Amendment are the following members of the Council of the Nation.

  
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Chief Leah George-Wilson

  
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Councillor Curtis Thomas

  
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Councillor Justin George

  
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Councillor Vanessa Gonzalez

  
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Councillor Deanna George

  
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Councillor Jennifer Thomas