



MLIB ENFORCEMENT LAWS SUMMARIES

ENFORCEMENT LAWS

The purpose of these summaries are to show the basics of each of the following laws:

- *MLIB Animal Control Law*
- *MLIB Community & Land Protection Law*
- *MLIB Covid 19 or Communicable Disease Law*
- *MLIB Emergency Management Law*
- *MLIB Enforcement & Prosecution Law*
- *MLIB Order Review Law*
- *MLIB Residential Tenancy Law*
- *MLIB Trespass Law*

These laws will be enforced in accordance with the *MLIB Enforcement & Prosecution Law*, through notices and, if required, summary conviction.

ANIMAL CONTROL LAW

The purpose of this Law is to regulate the keeping, ownership, breeding and treatment of animals on Band land which may otherwise be a nuisance, or detrimental to the health and safety of the MLI community.

Helps address the following public safety concerns:

- vicious dogs
- how to deal with neglect & animal abuse
- owners' responsibilities when keeping animals
- # of pets per household (to be in line with Rental Agreement)

How to deal with vicious animals or safety concerns:

- when a person is bit
- removal of animals who are an immediate threat to health & safety to the MLI community
- procedures for quarantine & rabies control
- when an animal must be leashed or fenced in
- what to do when an animal must be euthanized if they have injured or killed, and are likely to do so again

If Band members or Council wish to pursue:

- licensing, dog tags, fees, proof of inoculation
- fencing for all lots
- kennels
- rules for people who want to engage in breeding of animals

COMMUNITY & LAND PROTECTION LAW

The purpose of this law is to manage Band land in a way that protects the safety and wellbeing of McLeod Lake Indian Band members, and upholds and preserves MLIB values.

Helps address the following public safety concerns:

- putting safety measures in place to help address when another person's past or current activities or behaviours pose a threat or are causing harm to the MLIB community, land or values
- ensures that MLIB values are upheld within our community and on our Band land

How to deal with Community & Land Protection concerns:

- appoint MLIB Officials to carry out the provisions of this law
- any person may submit a complaint in writing to the administrator station that another person's past or current activities or behaviours pose a threat or are causing harm to the MLIB community, land and values
- if the administrator determines that a complaint is made in good faith, the administrator will form a *Knowledge Holders Committee* to review, investigate and make a determination regarding the complaint
- if, after completing an investigation, the *Knowledge Holders Committee* is of the view that the respondent's past or current activities or behaviours do in fact pose a threat or are causing harm to the MLIB community, land or values, then the committee may issue a notice of threat to the respondent
- the notice of threat can require the person to take certain steps or refrain from engaging in certain behaviours on MLIB land
- if the person fails to follow the terms of this notice of threat, then they are guilty of an offence
- if a person commits an offence under the *MLIB Community & Land Protection Law* (including by failing to follow the terms of the notice of threat), they may be prosecuted under the *MLIB Enforcement & Prosecution Law*

COVID-19 or COMMUNICABLE DISEASE LAW

The purpose of this law is to protect the health & safety of Band members and their families, Band land and the environment; by reducing the risk of spread of Covid-19 within the Community.

Helps address the following public safety concerns:

- putting safety measures in place to help prevent the spread of the Covid-19 virus within the MLIB community

How to deal with Covid-19 safety concerns:

- appoint MLIB Officials to carry out the provisions of this law
- restrict access to Band land, keeping with access section outlined in *MLIB Land Code*
- restrictions and closures of public facilities, and physical distancing requirements in keeping with provincial restrictions in place by the Provincial Health Officer (PHO)
- ability to stop and demand ID from persons entering Band lands, to inquire about recent travel, contacts & possible exposure to persons testing positive for Covid-19 virus
- issue written warnings, information or a summons under this law
- alternative remedies for compliance and reducing exposure of the Covid-19 virus
- restricts public gatherings and the application of orders issued by an MLIB official

EMERGENCY MANAGEMENT LAW

The purpose of this law is to establish our Emergency Management Program, outline the *MLIB Emergency Response Plan* (ERP), oversee services during an emergency, procedures for response coordination, and to define duties and responsibilities. It establishes the legal basis and framework for managing emergencies. It provides Chief and Council's responsibility, defines authority, responsibilities and safeguards in our Law and ERP. It is to protect the health & safety of MLIB community in event of a perceived or real emergency.

How to deal with Emergencies & safety concerns:

- respond and manage those emergencies outlined through a risk assessment in the community
- declare a "State of Emergency" in the community and enact the community's emergency plan
- state of emergency provides Chief and Council and MLIB staff the authority to take extraordinary measures and access to both Provincial and Federal Resources when managing emergencies
- relies on a strong and robust Emergency Management Plan that sets out the roles and responsibilities for all the teams dealing with perceived, identified risks in the community can be implemented for a situation that is beyond the ability and ability of the community to mount a response

ENFORCEMENT & PROSECUTION LAW

The purpose of this Law is an effort to protect our land, cultural and traditional values, as well as our community, its children and its vulnerable persons from harmful and unlawful activities that may occur on Band lands. It will also provide a means by which to charge, prosecute and enforce Offences under MLIB laws, and applies to all offences set out in any MLIB law. This Law preserves the rights of the community over the individual.

Helps address the following public safety concerns:

- when a person has committed offences on Band land, fines, and tickets may be issued
- how to banish a Band member or non-member, if the alleged offender poses a significant threat to the health, safety or wellbeing of the community
- what to do if a fine is issued, and not paid
- provides how amount(s) owing may be recovered through Provincial Court
- uses small claims court to enforce payment including payment hearings and garnishees

ORDER REVIEW LAW

The purpose of this Law is to provide a mechanism by which a Person subject to an Order may apply, on limited grounds, for a review of all or part of that Order.

Helps address the following concerns:

- protects the rights of the alleged offender, to ensure fairness and *impartiality*

How to deal with order review concerns:

- complete an application for a review
- provides process & requirements to apply for review
- provides authority, prescribed fees and forms, responsibilities of Chief and Council, Administrators and the Adjudicators
- once application is submitted, it is reviewed and the option to convene a hearing to be assembled to hear evidence, call witnesses, ask questions and make submissions
- limitations of Adjudicator, authority and duties set out in the law

RESIDENTIAL TENANCY LAW

The purpose of this law is to regulate residential tenancies on Band land. This law preserves the rights of the community over the individual and ensures fairness and equality with our housing program.

Helps address the following concerns:

- responsibility of rent and payment on time, with available remedies and consequences for default on payment
- termination and process to be followed to end tenancy prior to eviction
- clear responsibilities of tenant to maintain their residence in a clean and safe state
- allows landlord to monitor and inspect residence, with notification where required
- provides for unforeseen emergencies, with right to enter premises and effect repairs
- terms of tenancy agreements
- authority to manage tenancy on reserve
- responsibilities of landlord and tenants
- contractual relationship, that does not create any interest in land in favour of the tenant
- process for managing disputes that arise

If Band members or Council wish to pursue:

- ability to require a damage deposit and pet deposits
- ability to evict Band members/non-members in the event of non-payment of rent and arrears

TRESPASS LAW

The purpose of this law is to provide for the protection, management, use and possession of Band land by removing trespassers from MLIB land.

Helps address the following concerns:

- prevents persons from entering MLIB land where that person has had notice from the Nation that entry is prohibited or that person engages in activities that are prohibited
- provides notice that entry is prohibited by way of posted signs or by written or verbal notice
- a person commits an offence with entry onto land after they have been given notice that entry is prohibited, or the offender engages in activities that are prohibited
- issuance of Enforcement Notices to the person against whom an offence is alleged, including fines or requirements to attend a hearing before Council to determine whether a banishment order should be issued
- This means “in essence” that if a person trespasses, a MLIB Enforcement Officer can issue a fine to the offender or require the offender to attend a hearing before Council to determine whether a banishment order should be issued
- provides that all persons must provide identification when requested by an MLIB Enforcement Officer
- provides authorities for the Enforcement Officer to perform their duties, enter onto property for investigations, and give notice to those who are unlawfully occupying a premises