



**VUNTUT GWITCHIN FIRST NATION  
 LANDS AND RESOURCES ACT**

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**VUNTUT GWITCHIN FIRST NATION  
LANDS AND RESOURCES ACT**

*Pursuant to Article IX, section 1 of the Constitution, the Council of the Vuntut Gwitchin First Nation enacts as follows:*

**1.0 INTERPRETATION**

***Citation***

1.1 This Act may be cited as the *Lands and Resources Act*.

***Definitions***

1.2 In this Act, unless the context otherwise requires:

“Access Notice Certificate” means a document issued by the Director:

- (a) to a Person exercising a Third-Party Access Right that does not require authorization or an order of the Surface Rights Board; and
- (b) certifying that the Person has provided written notice to Vuntut Gwitchin Government of any planned Activity for which an Access Notice Certificate is required under this Act;

“Act” means this Act and includes Regulations, both as amended from time to time;

“Activity” means any access, occupation or use of Settlement Land.

“Allocation” means a Grant described in section 7.0 (“Personal Allocation”) or section 8.0 (“Family Allocation”) of this Act;

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“Benefits and Stewardship Agreement” means an agreement between Vuntut Gwitchin Government and the proponent of an Activity, and may include:

- (a) environmental protection measures, including monitoring, reporting, inspections and audits;
- (b) measures to protect Vuntut Gwitchin land rights and mitigate adverse effects from the Activity;
- (c) compensation to Vuntut Gwitchin Government and/or its Citizens for damage to Settlement Land or interference with the peaceful use and enjoyment of Settlement Land;
- (d) economic benefits to Vuntut Gwitchin Government, its Citizens and their businesses, including preferential business and employment opportunities;
- (e) contributions to community development, training and education programs;
- (f) equity participation in the Activity;
- (g) royalties for the extraction and conversion of Resources;
- (h) any other benefits negotiated for Vuntut Gwitchin Government or its Citizens;

“Child” has the same meaning as in the Constitution;

“Citizen” has the same meaning as in the Constitution;

“Clerk of the Register” or “Clerk” means the person appointed under section 11.3 of the Act;

“Community Advisory Panel” or “Panel” means a body convened under section 13.0 of the Act;

“Constitution” means the Constitution of the Vuntut Gwitchin, as amended from time to time;

“Council” means the council established under Article VIII of the Constitution;

“Director” means the Person appointed under section 14.1.1 of this Act, or, where no Person has been appointed, the Person acting in that capacity;

“Dwelling” has the same meaning as “dwelling-house” in the *Criminal Code*, R.S.C. 1985, c. C-46;

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“Emergency” has the same meaning as in the Self-Government Agreement;

“Encumbering Right” has the same meaning as in the Final Agreement;

“Executive Director” means the official appointed pursuant to section 6(1) of the *Vuntut Gwitchin Governance Act*;

“Fair Market Value” means the most probable price which a property should bring in a competitive and open market for interests in Settlement Land as of the specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus;

“Final Agreement” means the agreement entered into among Vuntut Gwitchin Government, Her Majesty the Queen in right of Canada and the Government of the Yukon and given effect by the *Yukon First Nations Land Claim Settlement Act*, S.C. 1994, c. 34 and *An Act Approving Yukon Land Claims Final Agreements*, S.Y. 1993, c. 19;

“Forest Resources” has the same meaning as in section 17.1.0 of the Final Agreement;

“Government” means any or all of the Government of Canada, the Government of the Yukon, and the government of a Yukon First Nation, depending upon which has responsibility for the matter in question, and for greater certainty, includes the Vuntut Gwitchin Government unless the context requires otherwise;

“Grant” means a legal interest in Settlement Land, and includes any renewal or replacement of a Grant;

“Grantee” means the holder of a Grant under this Act;

“Group Trapline” means the Vuntut Gwitchin group trapline identified in Schedule 1 to Chapter 16 of the Final Agreement;

“Guardian” means a Person appointed or designated under section 14.0 of the Act;

“Immediate Family Member” means:

- (a) a spouse;
- (b) a parent and any spouse of a parent;
- (c) a grandparent;
- (d) a Child, including the Child of a spouse;
- (e) a sibling; and
- (f) any relative who resides permanently in the same residence;

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"Instrument" means a written legal document that purports to define, create, assign, transfer, encumber or affect a Grant or Permit;

"Law" has the same meaning as in the Final Agreement and for greater certainty includes any Vuntut Gwitchin Law;

"Laws of General Application" has the same meaning as in the Final Agreement;

"Lease" means an Instrument creating a Grant described in section 9.0 of this Act;

"Minerals" has the same meaning as in the Final Agreement and for greater certainty includes Petroleum;

"Mines" has the same meaning as in the Final Agreement;

"Permit" means an Instrument that

- (a) transfers no property interest to the holder; and
- (b) authorizes Activities on Settlement Land for a fixed period; and
- (c) where provided in the Instrument, authorizes the use or extraction of specified Resources.

"Permittee" means the holder of a Permit and includes any agent or employee carrying on an Activity under the Permit;

"Person" means a natural person and any entity having the rights, powers and privileges of a natural person, and includes a Government and, unless the context requires otherwise, Vuntut Gwitchin Government;

"Petroleum" has the same meaning as in the Final Agreement;

"Plan" means a land management plan or resource management plan adopted under this Act;

"Register" means the registry established by section 11.0 of the Act, but does not include a registry established under any Vuntut Gwitchin Government or other Government land titles act;

"Regulation" means a regulation or regulations made pursuant to this Act;

"Resources" includes

- (a) Forest Resources, Mines, Petroleum and other Minerals, and any other renewable or non-renewable natural resources on, under or in

Settlement Land, but for greater certainty does not include Fish or Wildlife as defined by the Final Agreement;

- (b) the exclusive right under section 14.5.4 of the Final Agreement to use water while it is on or flowing through Settlement Land;

“Review Council” has the same meaning as in the Constitution;

“Self-Government Agreement” means the agreement entered into among Vuntut Gwitchin Government, the Government of Canada and the Government of Yukon, and given effect by the *Yukon First Nations Self-Government Act*, S.C. 1994, c. 35 and the *First Nations (Yukon) Self-Government Act*, S.Y. 1993, c. 5;

“Settlement Land” means the lands retained by Vuntut Gwitchin under the Final Agreement and described in “Appendix A – Settlement Land Descriptions,” and includes Resources;

“Significant Damage” means any damage or physical change to Settlement Land, including improvements, that impairs the value or usefulness of the Settlement Land, including any:

- (a) change that cannot be, or is not completely remediated within five years;
- (b) change caused by an Activity in violation of section 4.1 of the Act; and
- (c) Activity that leaves scars on the surface, contaminates air, ground or water, or interferes with or destroys fish and wildlife habitat;

“Surface Rights Board” means the board established by section 8 of the *Yukon Surface Rights Board Act*, S.C. 1994, c. 43;

“Survey” means a survey that conforms to the *Canada Lands Survey Act*, R.S.C. 1985, c. L-6, and the applicable National Standards for the Survey of Canada Lands;

“Third-Party Access Right” means any right of access to Settlement Land provided for under the Final Agreement;

“Traditional Activity” means:

- (a) a non-commercial activity undertaken by a Citizen for subsistence or a ceremonial, spiritual, social or cultural purpose; or
- (b) commercial trapping;

“Traditional Territory” means the geographic area within the Yukon identified in the Final Agreement as the traditional territory of the Vuntut Gwitchin;

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“Vehicle” means any motorized machine used to transport people or things, and includes automobiles, watercraft and aircraft;

“Vuntut Gwitchin First Nation” has the same meaning as in the Constitution;

“Vuntut Gwitchin Government” has the same meaning as in the Constitution;

“Vuntut Gwitchin Court” has the same meaning as in the Constitution; and

“Vuntut Gwitchin Law” has the same meaning as “Vuntut Gwitchin Laws” in the Constitution.

***Interpretation principles***

1.3 In this Act,

1.3.1 unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to,” and the use of the word “includes” means “includes, but is not limited to”;

1.3.2 unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;

1.3.3 unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;

1.3.4 the headings form no part of the enactment but are inserted for convenience only;

1.3.5 a reference to another enactment means that enactment as amended or replaced from time to time;

1.3.6 where the time limit for doing a thing expires or falls on a Saturday, Sunday or a day when Vuntut Gwitchin Government offices are closed , the thing may be done on the next following day that is not a Saturday, Sunday or a day when Vuntut Gwitchin Government offices are closed;

1.3.7 where there is a reference to a number of days or a number of days between two events, the days on which the events happen are excluded in calculating the number of days; and

1.3.8 where time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day.

***Conflict of laws***

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- 1.4 The Final Agreement and the Constitution will prevail to the extent of any inconsistency or conflict with the provisions of this Act.
- 1.5 The Final Agreement, the Constitution and this Act will prevail to the extent of any inconsistency or conflict with the terms of a Grant or Permit.

***Laws of General Application***

- 1.6 For greater certainty, this Act does not displace the *Environment Act*, R.S.Y. 2002, c. 76, or the *Forest Protection Act*, R.S.Y. 2002, c. 94.

**2.0 PURPOSES**

- 2.1 The purposes of this Act are:

- 2.1.1 to ensure Settlement Land and Resources are managed for the benefit of Vuntut Gwitchin First Nation and its Citizens;
- 2.1.2 to protect Traditional Activities and the special relationship between Citizens and the natural environment;
- 2.1.3 to protect and promote the culture, traditions, health and lifestyles of Citizens;
- 2.1.4 to provide decision-making processes that integrate and reflect the values and perspectives of Citizens; and
- 2.1.5 to protect environmental quality for present and future generations; and
- 2.1.6 to address and reduce land use conflicts.

**3.0 APPLICATION**

- 3.1 This Act applies to Settlement Land.
- 3.2 Unless otherwise provided in this Act, another Vuntut Gwitchin Law, or the Final Agreement, this Act binds the Vuntut Gwitchin Government, Citizens and non-Citizens.

**4.0 CONDITIONS OF ACCESS TO SETTLEMENT LAND**

***Right to carry out an activity***

- 4.1 No Person will carry out an Activity on Settlement Land, except in accordance with the terms of:
- 4.1.1 a Grant;
- 4.1.2 a Permit;

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- 4.1.3 an Access Notice Certificate;
- 4.1.4 an access right provided by section 4.5 of this Act;
- 4.1.5 a Third-Party Access Right;
- 4.1.6 an Encumbering Right; or
- 4.1.7 an order of the Surface Rights Board.

***Third-Party Access Rights***

- 4.2 Where a Person's exercise of a Third-Party Access Right does not require Vuntut Gwitchin Government authorization or an order of the Surface Rights Board, that Person must:
  - 4.2.1 hold an Access Notice Certificate where required by the Regulations; and
  - 4.2.2 exercise the right in conformity with the terms of the Final Agreement and the Access Notice Certificate.

***Compliance with Vuntut Gwitchin Law***

- 4.3 A Person carrying on an Activity must comply with all applicable Vuntut Gwitchin Law.

***Damage to Settlement Land or interference with use***

- 4.4 Except as authorized in accordance with this Act or by the Final Agreement, no Person will
  - 4.4.1 carry on any Activity that modifies, damages or destroys the surface of Settlement Land, or is likely to cause such modification, damage or destruction;  
or
  - 4.4.2 interfere with the use and peaceful enjoyment of Settlement Land by Citizens.

***Exceptions to notice or authorization requirement***

- 4.5 A Person may carry on the following Activities without further notice or authorization, unless Vuntut Gwitchin Law requires otherwise:
  - 4.5.1 a Citizen may carry on a Traditional Activity;
  - 4.5.2 a Government employee or contractor may carry out duties under any applicable Laws of General Application, including Laws relating to the protection of public health, safety and the environment.
  - 4.5.3 a Person in an Emergency may start a campfire if needed to prepare food or obtain warmth, provided that the Person must:

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- 4.5.3.1 report any damage to Settlement Land to the Director as soon as practicable; and
- 4.5.3.2 be liable for any Significant Damage to Settlement Land, including improvements.
- 4.5.4 a Government official may deliver emergency services, provided that such official will:
  - 4.5.4.1 notify the Director within 24 hours of the initial access; and
  - 4.5.4.2 consult the Director on any operations where the Emergency continues for longer than 24 hours.

***Council powers and regulations***

- 4.6 The Council may,
  - 4.6.1 where a Person's exercise of a Third-Party Access Right requires Vuntut Gwitchin Government authorization or an order of the Surface Rights Board, negotiate terms of access that are consistent with any order of that board;
  - 4.6.2 where a Person's exercise of a Third-Party Access Right does not require Vuntut Gwitchin authorization or an order of the Surface Rights Board:
    - 4.6.2.1 negotiate terms for the exercise of an access right listed in section 6.6.0 of the Final Agreement; and
    - 4.6.2.2 failing agreement, apply to the Surface Rights Board for an order establishing such terms;
  - 4.6.3 without limiting the generality of section 29.5, by regulation:
    - 4.6.3.1 establish royalty rates for the use or extraction of Resources under a Grant or Permit;
    - 4.6.3.2 establish user fees payable for the use of Settlement Land under a Permit;
    - 4.6.3.3 establish fees in relation to the administration of the Act, including application fees for Grants and Permits;
    - 4.6.3.4 list Activities for which a Grant, Permit or Access Notice Certificate is required;
    - 4.6.3.5 exempt Activities from the requirement for a Grant, Permit or Access Notice Certificate;

- 4.6.3.6 establish classes of Grants and Permits, and criteria for each class;
- 4.6.3.7 establish terms applicable to types of Settlement Land use;
- 4.6.3.8 establish terms to give effect to any terms that are negotiated under section 4.6.2.1; or
- 4.6.3.9 establish terms for the exercise of an access right listed in section 4.5.

## **5.0 TERMS OF GRANTS AND PERMITS**

### ***Authority to set terms and conditions***

- 5.1 Vuntut Gwitchin Government may make a Grant or Permit subject to any terms, conditions, covenants, reservations, restrictions or exemptions within its authority.

### ***Standard terms and conditions***

- 5.2 Every Grant or Permit under this Act is subject to:
  - 5.2.1 this Act;
  - 5.2.2 any applicable Encumbering Right or Third-Party Access Right; and
  - 5.2.3 the duty of the Grantee or Permittee to:
    - 5.2.3.1 carry on any Activity in a manner that respects and protects Settlement Land and Citizens' relationship to Settlement Land;
    - 5.2.3.2 pay all property taxes or other fees levied by Vuntut Gwitchin Government;
    - 5.2.3.3 maintain any security as required; and
    - 5.2.3.4 comply with the terms of any Grant or Permit, this Act, any other applicable Law, and any lawful order.

### ***No warranty***

- 5.3 No Grant or Permit will be construed to contain any implied warranty or condition respecting the fitness of the Settlement Land for a particular purpose.

### ***Liability limited***

- 5.4 A Grantee or Permittee will hold Vuntut Gwitchin Government, its employees and its agents harmless for any personal damage or injury that occurs on the Settlement Land described in the Grant or Permit to:

- 5.4.1 the Grantee or Permittee; and
- 5.4.2 any Person on the said Settlement Land with the approval of the Grantee or Permittee.

***Benefits and Stewardship Agreements***

- 5.5 Where the terms of a Grant or Permit require the applicant to enter into a Benefits and Stewardship Agreement, a Grant or Permit is not valid until such agreement has been executed by all parties.

***Obligation to reclaim, rehabilitate or restore Settlement Land***

- 5.6 The Grantee or Permittee must reclaim, rehabilitate or restore Settlement Land in accordance with the terms of the Instrument and any applicable Law.
- 5.7 The expiry or termination of a Grant or Permit does not terminate any obligation of the Grantee or Permittee to reclaim, rehabilitate or restore Settlement Land.

**6.0 GRANTS GENERALLY**

***No Grant of fee simple interest***

- 6.1 Vuntut Gwitchin Government will not:
  - 6.1.1 make a Grant of the fee simple interest in Settlement Land; or
  - 6.1.2 use the fee simple interest in Settlement Land as security for credit.

***Council authority***

- 6.2 Subject to this Act, the Council may:
  - 6.2.1 make a Grant to any Person;
  - 6.2.2 on application by a Grantee, renew, amend, replace, subdivide or terminate a Grant where the applicant is in compliance with the Act and the terms of the Grant at the time of application; and
  - 6.2.3 on the advice of the Director and the Executive Director, terminate a Grant without compensation to the Grantee where:
    - 6.2.3.1 the Grantee provided incorrect information in the application;
    - 6.2.3.2 the Grant contains a material clerical error; or
    - 6.2.3.3 the Settlement Land was not available for the Grant.

***Termination of Grant***

- 6.3 The Council will not terminate a Grant until the Grantee receives notice and an opportunity to make representations to the Council.
- 6.4 A notice of termination under section 6.3 must state:
- 6.4.1 the name of the Grantee;
  - 6.4.2 the address or a description of the Settlement Land held by the Grantee;
  - 6.4.3 the Council's reasons for terminating the Grant; and
  - 6.4.4 the date, time and place where the Grantee may make representations to the Council on the matter.

***When Grant binding on Vuntut Gwitchin***

- 6.5 A Grant, or a renewal, amendment, replacement, subdivision or termination of a Grant, is not enforceable until:
- 6.5.1 the Council executes the applicable Instrument in accordance with the Act and provides a copy to the Grantee; and
  - 6.5.2 a copy of the executed Instrument is recorded in the Register.
- 6.6 No Instrument affecting a Grant is valid until that Instrument is recorded in the Register.

***No subdivision by partial transfer or charge***

- 6.7 No Grantee will transfer or pledge as security for credit an interest in Settlement Land that is less than the Grantee's entire interest.

***Mortgages***

- 6.8 Where a Grant is pledged as security for credit, the mortgage or other charging Instrument must:
- 6.8.1 describe the affected Grant in sufficient detail to identify the parcel;
  - 6.8.2 identify all other recorded interests affecting the Grant; and
  - 6.8.3 provide that, in case of default in the terms of the mortgage or charge, the Grant will not be subject to possession, foreclosure, power of sale or any other form of execution or seizure until the Vuntut Gwitchin First Nation has had a reasonable opportunity to redeem, or to pay and satisfy, the mortgage or charge.

***Exceptions and reservations***

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- 6.9 Except as otherwise provided in a Grant, every Grant under this Act excepts and reserves the following rights, interests and privileges:
- 6.9.1 a right to expropriate any right, title or interest of a Grantee,
    - 6.9.1.1 where the Council determines that the expropriation of the right, title or interest is necessary for a community purpose, including but not limited to roads, public buildings, community infrastructure, schools, daycare centres, elders residences, and emergency response works;
    - 6.9.1.2 upon reasonable notice to the Grantee, and after a good faith effort to acquire the right, title or interest by mutual agreement; and
    - 6.9.1.3 upon payment of compensation to the Grantee as set out in section 28.0;
  - 6.9.2 Mines and Minerals, including the right to work Mines and Minerals;
  - 6.9.3 Timber on Settlement Land, including the right to harvest Timber; and
  - 6.9.4 the use of water when it is on or flowing through Settlement Land.

**7.0 PERSONAL ALLOCATIONS**

***Definitions***

- 7.1 For the purposes of this section and section 8.0,
- 7.1.1 “Family” means a class of Citizens who are the lineal descendants of a common ancestor or ancestors; and
  - 7.1.2 an adopted Child is a Family member.

***Eligibility***

- 7.2 A Personal Allocation may be issued to a Citizen or Citizens, either permanently or for a fixed period
- 7.2.1 for use in Traditional Activities; and
  - 7.2.2 for use in commercial wilderness tourism or other land-based business where authorized by the Instrument.

***Joint tenancy and tenancy in common***

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- 7.3 Where a Personal Allocation is issued, transferred or assigned to more than one Citizen, the Allocation will be deemed to be held as a tenancy in common unless the Instrument specifies that the Grantees will hold the interest as joint tenants.

***Rights included***

- 7.4 Subject to this Act and the terms of the Personal Allocation, the holder will have the exclusive right:
- 7.4.1 to occupy and use the Settlement Land described in the Allocation;
  - 7.4.2 to invite other natural Persons to access, occupy or use the Allocation;
  - 7.4.3 to remove any improvements upon termination of the Allocation; and
  - 7.4.4 to transfer or assign his or her interest in the Allocation
    - 7.4.4.1 where the Allocation is not located within a Family Allocation and any joint tenant or tenant in common has given written consent, to any Citizen; or
    - 7.4.4.2 where the Allocation is located within a Family Allocation and any joint tenant or tenant in common has given written consent, to any Citizen with an interest in the Family Allocation.

***Designation of heir to Allocation***

- 7.5 A Personal Allocation may not be transferred or assigned by will.
- 7.6 Yukon Laws of General Application respecting wills and estates are inoperative with respect to Personal Allocations.
- 7.7 An applicant for a Personal Allocation under this section
- 7.7.1 must designate an heir or heirs to that Allocation as set out in the Regulations; and
  - 7.7.2 may, on application in accordance with the Regulations, replace or amend a designation under section 7.7.1 at any time during his or her life.

***Procedure upon death of holder***

- 7.8 Where the holder of a Personal Allocation dies, the holder's interest will pass:
- 7.8.1 to any surviving joint tenants where the interest is held in a joint tenancy; or
  - 7.8.2 to a Citizen designated under section 7.7.1, where the interest is held by an individual or as a tenancy in common.

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- 7.9 If Personal Allocation cannot be passed under section 7.8, the interest will revert to the Vuntut Gwitchin Government, except that where the Allocation is held as a tenancy in common, the holder's interest will be divided among any surviving tenants in common in proportion to their interests in the Allocation.
- 7.10 On application by the personal representative of a deceased holder or a Citizen in section 7.8, and upon proof of the death of the holder, the Clerk of the Register must record a transfer of the holder's interest to a Citizen in section 7.8 and provide a copy of the Personal Allocation to the transferee.

***Allocation held in trust***

- 7.11 A Personal Allocation may be held in trust only if:
- 7.11.1 the trustee is a Citizen; or
  - 7.11.2 the trustee is the legal guardian of all the beneficiaries of the trust, and all of the beneficiaries of the trust are Citizens;
- and in either case, the trust agreement or other Instrument that appoints the trustee is recorded in the Register.

**8.0 FAMILY ALLOCATIONS**

***Eligibility***

- 8.1 A Family Allocation may only be issued to a Family.

***Plan required***

- 8.2 No Family Allocation may be issued until the Council
- 8.2.1 enacts a regulation under section 12.1.3 prescribing rules and procedures for the development of Plans for Family Allocations; and
  - 8.2.2 adopts a Plan for a proposed Family Allocation that was developed in accordance with the rules and procedures prescribed in the regulation required by section 8.2.1; and
  - 8.2.3 prescribes procedures for the selection of a representative under section 8.7.

***Form of Family Allocation***

- 8.3 A Family Allocation will be held as communal property by all members of the Family.
- 8.4 A Family Allocation must define the Family on the basis of lineal descent from a common ancestor or ancestors.

***Rights included***

- 8.5 Subject to this Act and the terms of the Family Allocation, the holders will have the right to occupy and use the Settlement Land for Traditional Activities, and for any other purposes set out in the Instrument.
- 8.6 An interest in a Family Allocation may not be transferred or assigned.

***Designation of representative***

- 8.7 The holders of a Family Allocation must select an adult Person to act as their representative in any matter involving the Vuntut Gwitchin Government.

***Personal Allocation subdivided from a Family Allocation***

- 8.8 On application under section 7.0, and with the written consent of the Family representative designated in section 8.7, a Family Allocation may be subdivided and a Personal Allocation may be issued to a Family member for part of the Family Allocation, provided that such Personal Allocation may only be used for purposes authorized by the Family Allocation.
- 8.9 A Personal Allocation created under section 8.8 carries all the rights of a Personal Allocation in section 7.4.

***Procedure upon subdivision of Family Allocation***

- 8.10 Upon the issue of a Personal Allocation pursuant to section 8.8, the Clerk of the Register must
- 8.10.1 record a subdivision of the Family Allocation and issue new Certificates of Allocation for the Personal Allocation and Family Allocation created by the subdivision; and
  - 8.10.2 provide a copy of the Family Allocation to the representative designated under section 8.7; and
  - 8.10.3 provide a copy of the Personal Allocation to the Grantee.

**9.0 LEASES**

***Eligibility***

- 9.1 A Lease may be issued to any Person.

***Rights included***

- 9.2 Subject to this Act and the terms of the Lease, the Grantee of a Lease will have the right:

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- 9.2.1 to occupy and use the Settlement Land described in the Lease;
- 9.2.2 to invite other Persons to access, occupy or use the Settlement Land;
- 9.2.3 to remove any improvements upon termination of the Lease; and
- 9.2.4 to transfer or assign the Lease to any Person; and
- 9.2.5 to pledge the Lease as security for credit without the authorization of the Council.

***Survey required***

9.3 A Lease under this section must be for a parcel defined by a Survey.

**10.0 PERMITS**

***Director authority***

- 10.1 The Director may:
- 10.1.1 issue or renew a Permit in accordance with the Regulations; and
  - 10.1.2 amend a Permit;
  - 10.1.3 by order under section 18.4, suspend or cancel a Permit.

***Rights included***

- 10.2 Subject to this Act and the terms of the Permit, a Permittee will have the right:
- 10.2.1 to carry on an Activity as described in the Permit; and
  - 10.2.2 to remove any improvements upon termination of the Permit.

***No transfer or assignment***

10.3 A Permit must not be transferred, assigned, or used as security for credit.

***Termination***

10.4 A Permit will terminate upon the death of the Permittee.

***Reporting***

- 10.5 A Permittee must report the results of any Activity carried on under the Permit:
- 10.5.1 60 calendar days after the expiry of the Permit; or
  - 10.5.2 by the end of the calendar year, where the Permit expires in a future year.

## **11.0 LAND REGISTER**

### ***Establishment and location***

- 11.1 There is hereby established a Register of Settlement Land.
- 11.2 The Register will be located at the head administrative offices of Vuntut Gwitchin Government and be accessible to the public during business hours.

### ***Appointment of Clerk***

- 11.3 The Council must appoint a Clerk of the Register to maintain the Register.

### ***Contents of register***

- 11.4 The Register will contain original documents of any:
- 11.4.1 Grant, Permit or Access Notice Certificate;
  - 11.4.2 Instrument affecting a Grant, Permit or agreement under section 11.4.3, including an order of a court;
  - 11.4.3 written agreement between Vuntut Gwitchin Government and a Grantee or Permittee that relates to a Grant or Permit;
  - 11.4.4 notice, warning, order or ticket issued by Vuntut Gwitchin Government in relation to a Grant, Permit, or Access Notice Certificate;
  - 11.4.5 Survey of Settlement Land;
  - 11.4.6 Vuntut Gwitchin Law regulating Activities on Settlement Land; and
  - 11.4.7 other document required by this Act or any Vuntut Gwitchin Law to be recorded in the Register.

### ***Duties of Clerk***

- 11.5 The Clerk must:
- 11.5.1 establish and maintain a file for each parcel of Settlement Land that is the subject of a Grant, Permit or Access Notice Certificate;
  - 11.5.2 assign a unique file number to each parcel;
  - 11.5.3 keep every document affecting the parcel in the file;
  - 11.5.4 record any document eligible for recording under section 11.4;

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- 11.5.5 refuse to record any document that does not conform to the requirements for its recording;
- 11.5.6 prevent unauthorized access to the Register; and
- 11.5.7 collect fees for access to the Register as set out in the Regulations.

***Application for recording***

- 11.6 Where the document to be recorded is an Instrument to which Vuntut Gwitchin Government is a party, the issuing authority will apply directly to the Clerk for recording.
- 11.7 A Person applying to record a document must provide the Clerk with
  - 11.7.1 the original document, or a copy of a document that meets the requirements of section 11.8;
  - 11.7.2 a description of the Settlement Land that meets the requirements of the Regulations;
  - 11.7.3 any fees payable under the Regulations; and
  - 11.7.4 any other information the Clerk may require.
- 11.8 The following documents may be submitted for recording instead of the original document:
  - 11.8.1 a copy of a judgment or court order certified by the court;
  - 11.8.2 a copy of a document registered in a federal, provincial or territorial registry or land titles system, certified by the appropriate registrar;
  - 11.8.3 a copy of a death certificate, marriage certificate, name change certificate, power of attorney, will, approval of probate of will or appointment of administrator, certified by the person who has custody of the original;
  - 11.8.4 a copy of a certificate of amalgamation or change of name of a corporation, certified by the agency responsible for recording the amalgamation or name change;
  - 11.8.5 a copy of an order in council, certified by the Clerk of the Privy Council;
  - 11.8.6 a copy of a ministerial order; or
  - 11.8.7 a copy of a document issued by the Vuntut Gwitchin Government, certified by the Person who has custody of the original.

***Daybook***

- 11.9 For every document submitted for recording in the Register, the Clerk must enter the following information in a daybook:
- 11.9.1 a description of the document to be recorded;
  - 11.9.2 the names of the parties;
  - 11.9.3 the day, hour and minute the clerk received the document for recording; and
  - 11.9.4 the signature of the Clerk.

***Recording***

- 11.10 A document will be deemed recorded once the Clerk enters it in the parcel file established under section 11.5.
- 11.11 The time of recording will be deemed the time entered in the daybook under section 11.9.3.

***Priority of Instruments***

- 11.12 Instruments affecting the same parcel of Settlement Land are entitled to priority according to the time of recording, not the time of execution.

***Subdivision***

- 11.13 Unless the Council has approved the subdivision of Settlement Land to which a Grant applies, the Clerk must refuse to record any document:
- 11.13.1 granting or transferring only part of the Settlement Land to which the Grant applies; or
  - 11.13.2 pledging only part of the Grant as security for credit.
- 11.14 Where the parcel is subdivided, the Clerk will close the original file for that parcel and assign new unique file numbers to the subdivided parcels.

***Liability of Vuntut Gwitchin Government***

- 11.15 Vuntut Gwitchin Government is not liable for any loss or damage arising from a Person's reliance on the Register.

***Land titles registration***

- 11.16 Where a Grant that is recorded in the Register becomes eligible for registration under a land titles act, the clerk of the Register:

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- 11.16.1 shall provide written notice to the Grantee; and
  - 11.16.2 may provide such assistance that the Grantee requires to register the Grant under the land titles act.
- 11.17 Where a Grant is registered under a land titles act,
- 11.17.1 the registration will prevail to the extent of any inconsistency with a recording in the Register;
  - 11.17.2 provided that the Clerk has notice of the registration under the land titles act, the Clerk of the Register must make a note in the Register file for that parcel indicating that the land titles record is authoritative for the purposes of determining ownership of the Grant.

## **12.0 PLANNING**

### ***Council authority***

- 12.1 The Council may:
- 12.1.1 adopt, amend or revoke Plans for the management of Settlement Land, including Resources;
  - 12.1.2 subdivide Settlement Land; and
  - 12.1.3 by regulation:
    - 12.1.3.1 define management objectives for any part of Settlement Land;
    - 12.1.3.2 prescribe rules and procedures for the development of Plans;
    - 12.1.3.3 prescribe rules and procedures for the subdivision of Settlement Land;
    - 12.1.3.4 withdraw any Settlement Land from use and occupation;
    - 12.1.3.5 reserve any Settlement Land for any particular use or type of use;
    - 12.1.3.6 require the adoption of a Plan before issuing Grants or Permits within a defined area of Settlement Land; and
    - 12.1.3.7 adopt zoning or other regulations to implement a Plan.

### ***Consistency of Plan and regulations***

- 12.2 A regulation adopted under section 12.1.3.7 will prevail to the extent of any inconsistency with the Plan.

***Plan relation to regional land use plan***

12.3 A Plan must be coordinated to minimize overlap or redundancy with any regional land use plan adopted under Chapter 11 of the Final Agreement.

***Legal non-conforming use***

12.4 Where a Person's lawful Activity:

12.4.1 precedes the date on which a regulation under section 12.1.3.7 takes effect; and

12.4.2 does not conform to the regulation;

that Person may continue the non-conforming Activity, but only to the extent of their practice before the date the regulation took effect.

12.5 Where a non-conforming Activity in section 12.4 relates to a Settlement Land improvement or structure that is later destroyed, or requires repairs or renovations whose cost equals or exceeds 50 percent of the taxed-assessed value of the improvement or structure, the improvement or structure may not be repaired or rebuilt except in conformity with the regulation under section 12.1.3.7.

**13.0 COMMUNITY ADVISORY PANEL**

***Director authority***

13.1 The Director may convene a Community Advisory Panel to review and make recommendations with respect to

13.1.1 any application or Plan;

13.1.2 any proposed regulation under the Act; and

13.1.3 any other matter within the scope of the Act.

13.2 The Director may:

13.2.1 invite any Person to participate in a Community Advisory Panel;

13.2.2 define the scope of and procedures for a Panel's review of any application, Plan, regulation or other matter.

***Conflict of interest***

13.3 A participant in a Community Advisory Panel must be free of any conflict of interest in relation to an application or Plan under review by the Panel.

13.4 A conflict of interest exists in relation to an application or Plan where:

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- 13.4.1 the application is by:
  - 13.4.1.1 a participant in the Panel or an Immediate Family Member; or
  - 13.4.1.2 a business in which the participant or an Immediate Family Member is a partner, employee or major shareholder; or
- 13.4.2 the Plan applies to Settlement Land where the participant in the Panel or an Immediate Family Member:
  - 13.4.2.1 has made an application or holds a Grant or Permit; or
  - 13.4.2.2 is a partner, employee or major shareholder in a business that has made an application or holds a Grant or Permit.
- 13.5 Where a participant in a Community Advisory Panel is in a conflict of interest under section 13.4, that participant must
  - 13.5.1 notify the Director of the conflict; and
  - 13.5.2 withdraw from any participation in the Panel's review of the application or Plan.

**14.0 APPOINTMENT OF DIRECTOR AND GUARDIANS**

***Appointment***

- 14.1 The Council will:
  - 14.1.1 appoint a Director to exercise the powers of the Director under this Act;
  - 14.1.2 appoint Guardians to exercise any or all the powers of Guardians under this Act; and
  - 14.1.3 issue official identification to every Guardian appointed under section 14.1.2 or designated under section 14.4.2.
- 14.2 A member of the Council must not be appointed as a Guardian.

***Identification***

- 14.3 Official identification issued under section 14.1.3 must state:
  - 14.3.1 the name of the Guardian;
  - 14.3.2 the Guardian's place of employment; and
  - 14.3.3 any restriction on the powers that the Guardian may exercise.

***Intergovernmental agreements***

- 14.4 The Council may enter into agreements with another Government to:
- 14.4.1 allow Guardians to enforce legislation of the other Government; and
  - 14.4.2 designate employees or classes of employees of the other Government to act as Guardians under this Act.

**15.0 GUARDIANS**

***Director authority***

- 15.1 The Director has all the powers of a Guardian under this Act.

***Guardian authority***

- 15.2 A Guardian will:
- 15.2.1 monitor Activities to ensure compliance with this Act; and
  - 15.2.2 carry the official identification issued under section 14.1.3 and present it upon request.
- 15.3 Where authorized by an appointment under section 14.1.2, or an agreement under section 14.4, a Guardian may:
- 15.3.1 enter Settlement Land, including Settlement Land designated as developed or improved;
  - 15.3.2 post signs or notices;
  - 15.3.3 be assisted by a peace officer or an officer appointed under the *Wildlife Act*, RSY 2002, c.229 or the *Territorial Lands (Yukon) Act*, RSY 2003, c.17;
  - 15.3.4 take remedial actions under section 16.4;
  - 15.3.5 issue warnings under section 17.0;
  - 15.3.6 issue orders under section 18.0;
  - 15.3.7 issue tickets under section 19.0;
  - 15.3.8 carry out inspections under section 20.0;
  - 15.3.9 carry out investigations under section 21.0;
  - 15.3.10 carry out seizures under section 22.0; and

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15.3.11 arrest without warrant a Person that the Guardian believes on reasonable grounds has committed, is committing, or is preparing to commit an offence under this Act.

***Liability for violations***

15.4 The offence provisions of this Act do not apply to a Guardian engaged in the good faith execution of duties or powers under the Act.

**16.0 REMEDIAL ACTIONS**

16.1 Where an Activity causes or is likely to cause:

16.1.1 a violation of the Act or the terms of a Grant or Permit; or

16.1.2 unauthorized damage to Settlement Land, including improvements,

any Person who is responsible for or directs the Activity, in whole or part, must report the matter to a Guardian as soon as practicable.

16.2 Compliance with the reporting obligation in section 16.1 does not relieve a Person of any duty to comply with any other applicable Law.

16.3 Every Person referred to in section 16.1

16.3.1 must take all reasonable action to prevent, mitigate or remedy any violation of the Act or adverse effect of the Activity; and

16.3.2 is jointly and severally liable for any costs Vuntut Gwitchin Government incurs in taking remedial action under section 16.4.1, and such costs are recoverable as a debt due to Vuntut Gwitchin Government.

16.4 Where a Guardian reasonably believes that section 16.1 applies to an Activity; the Guardian may:

16.4.1 with the approval of the Director, take any reasonable action to prevent, mitigate or remedy any Act violation or adverse effect of the Activity; or

16.4.2 issue an order under section 18.0.

**17.0 WARNINGS**

17.1 A Guardian may issue a written warning in the form set out in the Regulations where the Guardian reasonably believes that an Activity is not in compliance with this Act.

17.2 A warning under this section must state:

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- 17.2.1 the name of any Person subject to the warning;
- 17.2.2 the location of the Activity;
- 17.2.3 the date of the warning;
- 17.2.4 the reasons for the warning;
- 17.2.5 the actions required to comply with the Act; and
- 17.2.6 a deadline for compliance.

**18.0 ORDERS**

18.1 A Guardian may issue a written order in the form set out in the Regulations where the Guardian reasonably believes that an Activity is causing or likely to cause:

- 18.1.1 a violation of the Act or the terms of a Grant or Permit;
- 18.1.2 unauthorized damage to Settlement Land, including improvements.

18.2 An order under this section must state:

- 18.2.1 the name of any Person subject to the order;
- 18.2.2 the location of the Activity;
- 18.2.3 the date of the order;
- 18.2.4 the reasons for the order;
- 18.2.5 the actions required to comply with the order; and
- 18.2.6 a deadline for compliance.

18.3 An order under this section may require:

- 18.3.1 the suspension of an Activity;
- 18.3.2 the removal of improvements or equipment related to an Activity;
- 18.3.3 the remediation of any damage to Settlement Land, including improvements; and
- 18.3.4 the remediation of any condition that threatens public health, safety or the environment.

18.4 In issuing an order under this section, the Director may exercise the powers in section 10.1.3.

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18.5 A Person subject to an order:

18.5.1 has a right to appeal the order under section 26.0 of the Act; and

18.5.2 must comply with its terms pending the outcome of any appeal.

18.6 An order will be deemed resolved where the Guardian determines that the Person has complied with its terms, but for greater certainty, such an order shall not be removed from the Register.

18.7 The Director will reinstate a suspended Permit or issue a new Permit where the Director determines that the Permittee has complied with the terms of an order suspending or canceling a Permit.

**19.0 TICKETS**

19.1 A Guardian may issue a written ticket in the form set out in the Regulations where the Guardian reasonably believes that a Person has committed an offence under the Act.

19.2 A ticket may impose a fine in the following amount:

19.2.1 for a first offence, up to \$500 and, in the case of a continuing offence, to a further penalty of up to \$500 for each day or part of a day during which the offence continues after the first day; or

19.2.2 for a subsequent offence, up to \$1,000 and, in the case of a continuing offence, to a further penalty of up to \$1,000 for each day or part of a day during which the offence continues after the first day.

19.3 A conviction arising from a ticket under this Act will be a prior conviction for the purposes of imposing a higher penalty for any subsequent conviction under this Act.

**20.0 INSPECTIONS**

20.1 To ensure compliance with this Act, a Guardian may at any reasonable time enter and inspect any place where the Officer reasonably believes there is any thing subject to the Act or any documents relating to the administration of the Act.

20.2 Where the place in section 20.1 is a Dwelling, a Guardian may not enter except with the consent of the occupant or Person in charge of the Dwelling or under the authority of a warrant.

20.3 In carrying out an inspection under this section a Guardian may:

20.3.1 stop a Vehicle or direct that it be moved to a place for inspection;

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- 20.3.2 open or cause to be opened any container that the Guardian reasonably believes contains any thing or document relating to the administration of the Act;
  - 20.3.3 inspect the thing or document;
  - 20.3.4 take samples or measurements;
  - 20.3.5 conduct tests;
  - 20.3.6 ask questions that may be relevant to the inspection;
  - 20.3.7 require any Person to produce documents for inspection or copying;
  - 20.3.8 use or cause to be used any computer system for the purpose of examining and copying information available to the system; and
  - 20.3.9 use or cause to be used any copying equipment at the place to make copies of any documents or records inspected or produced during the inspection.
- 20.4 Any Person in possession or control of a place under inspection, and any Person found in that place, will:
- 20.4.1 assist the Guardian in the performance of his or her duties;
  - 20.4.2 permit the Guardian to do anything referred to in section 20.3; and
  - 20.4.3 provide any information requested by the Guardian that is relevant to the inspection.

**21.0 INVESTIGATIONS**

- 21.1 On application without notice, a justice of the peace may issue a warrant in the prescribed form authorizing a Guardian to:
- 21.1.1 enter a Dwelling, where the justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that:
    - 21.1.1.1 there is any thing subject to the Act or any documents relating to the administration of the Act;
    - 21.1.1.2 entry to the Dwelling is necessary for the purposes of administering the Act; and
    - 21.1.1.3 entry to the Dwelling has been refused or the Guardian reasonably believes entry will be refused; or

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- 21.1.2 search a building, receptacle or place and seize evidence, where the justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that the building, receptacle or place contains anything that:
- 21.1.2.1 was used or obtained in the commission of an offence under the Act;
  - 21.1.2.2 will provide evidence of an offence under the Act; or
  - 21.1.2.3 will reveal the location of a Person the Guardian believes has committed an offence under the Act.
- 21.2 In issuing a warrant under this section, a justice of the peace may establish any terms the justice considers necessary.
- 21.3 A Guardian may exercise the powers in section 21.1.2 without a warrant if the conditions for obtaining a warrant exist but exigent circumstances make it impractical to get a warrant.
- 21.4 For the purposes of section 21.3, exigent circumstances include any circumstance where the delay necessary to get a warrant would cause danger to public health, safety or the environment, or the loss or destruction of evidence.
- 21.5 Section 21.3 does not apply to a Dwelling.
- 21.6 Where a Guardian believes it would be impractical to make a warrant application in person, a warrant may be issued on information submitted by telephone or other means of telecommunication in the manner provided for under section 487.1 of the *Criminal Code*, with such modifications as the circumstances require.
- 21.7 In carrying out a search under this section, the Guardian may:
- 21.7.1 exercise any power in section 20.3;
  - 21.7.2 use as much force as necessary to execute a warrant issued under section 21.1.2 or to carry out a search without a warrant under section 21.3; and
  - 21.7.3 use no force to execute a warrant issued under section 21.1.1, unless the warrant specifically authorizes the use of force.
- 22.0 SEIZURES**
- 22.1 A Guardian may, without a warrant, seize any thing or document that is:
- 22.1.1 produced to the Guardian or in plain view during an inspection under section 20.0; or

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- 22.1.2 found in a search under section 21.3, where the Guardian reasonably believes that the thing or document:
  - 22.1.2.1 was used or obtained in the commission of an offence under the Act;
  - 22.1.2.2 will provide evidence of the commission of an offence under the Act; or
  - 22.1.2.3 is intermixed with a thing or document referred to in sections 22.1.2.1 or 22.1.2.2.
- 22.2 In executing a warrant under section 21.1, a Guardian may seize any thing or document that may be seized under section 22.1, whether or not it is specified in the warrant.
- 22.3 Where a Guardian makes a seizure under this section, the Guardian must:
  - 22.3.1 inform the Person from whom the thing was seized of the reason for the seizure;
  - 22.3.2 provide a receipt to the Person for the thing seized; and
  - 22.3.3 bring the seized thing before a justice of the peace; or
  - 22.3.4 report to a justice of the peace that the thing has been seized.
- 22.4 Where a seized thing is brought before a justice of the peace, the justice may, by order:
  - 22.4.1 detain the thing or direct it to be detained in the care of a Person named in the order;
  - 22.4.2 authorize and set terms for the examination, testing, inspection or reproduction of the thing;
  - 22.4.3 set terms necessary for the preservation of the thing; or
  - 22.4.4 direct that the thing be returned to the Person from whom it was seized.
- 22.5 Nothing will be detained by order under section 22.4 for longer than 120 days after the seizure unless, before that time has elapsed,
  - 22.5.1 upon a motion, a justice of the peace orders its further detention for a specific period; or
  - 22.5.2 a proceeding is commenced in which the thing may be required as evidence.
- 22.6 A justice of the peace may order the release of a thing detained under section 21.4 to the Person from whom it was seized:
  - 22.6.1 upon the motion of a Person with an interest in the thing;

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- 22.6.2 upon notice to the Person from whom the thing was seized, the Guardian who seized the thing, and any prosecutor; and
- 22.6.3 where the justice of the peace determines that the seized thing is no longer necessary to an investigation or proceeding.
- 22.7 Subject to an order of a justice of the peace made under section 21.4, where a seized thing detained by a Guardian is perishable or proper storage facilities are not available, the Guardian may destroy it or dispose of it, and any proceeds of a disposition will be:
  - 22.7.1 paid to the lawful owner or Person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within 90 days of its seizure; or
  - 22.7.2 retained by the Guardian pending the outcome of the proceedings.
- 22.8 Vuntut Gwitchin Government and its employees, officials or agents are not liable for any loss or damage arising from the destruction, disposal or deterioration of any thing seized and detained in accordance with this Act, unless the employee, official or agent was negligent in the care of the thing.
- 23.0 FORFEITURES**
- 23.1 Notwithstanding section 22.0, a seized thing, or any proceeds from its disposition, will be forfeited to Vuntut Gwitchin Government where:
  - 23.1.1 the lawful ownership or possession of the thing cannot be determined within 30 days;
  - 23.1.2 the lawful owner abandons the thing;
  - 23.1.3 the thing is a sample taken by a Guardian for examination or testing;
  - 23.1.4 the use or possession of the thing is an offence under the Act; or
  - 23.1.5 the lawful owner or possessor is convicted of an offence under the Act and the convicting court orders the forfeiture.
- 23.2 Section 23.1.4 applies even where:
  - 23.2.1 no charge is laid in relation to the thing seized; or
  - 23.2.2 the accused is acquitted of the offence or the charge is withdrawn or stayed.
- 23.3 The Council may deal with and dispose of any thing forfeited under this section.
- 23.4 The lawful owners and possessors of any thing seized or forfeited under this Act are jointly and severally liable for all costs of inspection, seizure, forfeiture or disposition incurred by

Vuntut Gwitchin Government that exceed any proceeds from the disposition of the forfeited thing.

#### **24.0 OFFENCES AND PENALTIES**

24.1 No Person will:

24.1.1 commit mischief;

24.1.2 alter, imitate or duplicate a Grant, Permit or Access Notice Certificate;

24.1.3 impersonate the holder of a Grant, Permit, Access Notice Certificate or access right;

24.1.4 without lawful authority, remove, alter or destroy any sign, warning or order posted under the Act;

24.1.5 obstruct a Guardian in the lawful performance of duties under the Act;

24.1.6 ignore or disobey a warning or order under the Act; or

24.1.7 knowingly make any false statement to a Guardian.

24.2 Every Person who violates a provision of this Act is guilty of an offence and is liable upon summary conviction to a fine not exceeding three hundred thousand dollars, to imprisonment for a term not exceeding six months, or to both.

24.3 In addition to any other penalty imposed upon conviction for an offence under this Act, a court may, on its own initiative or on application by the prosecution, order the convicted person to:

24.3.1 take any action to prevent, mitigate or remedy any damage to Settlement Land caused by the offence; and

24.3.2 comply with any conditions the court deems appropriate for securing the Person's good conduct and preventing future offences.

24.4 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the penalty provided under this Act, whether or not the corporation has been prosecuted.

24.5 A Person may be convicted of an offence under this Act where it is established that the offence was committed by an employee or agent of the Person, whether or not the employee or agent is identified or has been prosecuted for the offence.

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- 24.6 Where an offence under this Act is committed on or continued for more than one day, the offence is a separate offence for each day it is committed or continued.
- 24.7 A prosecution, conviction or penalty for an offence under this Act does not relieve a Person of other liability.
- 24.8 Any fines paid into court under section 24.2 must be paid to Vuntut Gwitchin Government.

**25.0 PROCEEDINGS**

***Who may bring charges***

- 25.1 Except with the written authorization of the Council, only Vuntut Gwitchin Government may commence proceedings in respect of an offence under the Act.

***Summary Convictions Act applies***

- 25.2 Any offence or ticket under this Act will be prosecuted as an offence against an enactment pursuant to the *Summary Convictions Act*, RSY 2002, c. 210, with any necessary modifications to the reading of that Act, except that the Council may:
- 25.2.1 enact regulations for the prosecution of offences in the Vuntut Gwitchin Court; and
  - 25.2.2 establish community-based or traditional justice procedures.

***Limitation***

- 25.3 A prosecution of an offence under this Act will begin not more than two years after the later of:
- 25.3.1 the day the offence was committed; or
  - 25.3.2 the day a Guardian first became aware of evidence sufficient to justify a prosecution for the offence.

***Evidentiary rules***

- 25.4 In a prosecution or other proceeding under this Act:
- 25.4.1 a statement signed by the chief of Vuntut Gwitchin Government will be admissible in evidence as prima facie proof of facts relating to:
    - 25.4.1.1 the issue, renewal, amendment, cancellation, suspension or termination of a Grant, Permit or Access Notice Certificate;

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- 25.4.1.2 whether or not a Person is a holder of a Grant, Permit or Access Notice Certificate;
  - 25.4.1.3 the service of any notice, warning or order;
  - 25.4.1.4 the appointment or designation of the Director or a Guardian; or
  - 25.4.1.5 the scope of the Director or a Guardian's authority; and
- 25.4.2 a statement signed by the director or designate of any laboratory operated, maintained, supported or certified by a Government or university will be admissible as prima facie proof of the facts in the statement; and
- 25.4.3 in either case, the statement is conclusive proof of the authority of the Person making the statement, without proof of that Person's appointment or signature.
- 25.5 In a prosecution or other proceeding under this Act, it is prima facie proof that a Person charged with committing an offence is the same Person named as a holder of a Grant, Permit or Access Notice Certificate in a statement issued under section 25.4.1, where both have the same name.
- 25.6 In a prosecution under the Act:
- 25.6.1 the accused has the burden of proving that an exception, exemption, excuse or qualification under the Act operates in favour of the accused; and
  - 25.6.2 a ticket or information commencing proceedings is not required to set out or contradict any such exception, exemption, excuse or qualification.

***Defects in form***

- 25.7 No conviction or order made in a matter arising under this Act will be quashed for any defect in form.

**26.0 ADMINISTRATIVE APPEALS**

***Notice of appeal***

- 26.1 Where the Act provides a right of appeal from a decision, a Person may commence an appeal by delivering a written notice to the Council within 30 days of the decision.
- 26.2 A notice of appeal under section 26.1 must include:
- 26.2.1 the name of the Person making the appeal;
  - 26.2.2 a copy of the decision under appeal;

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26.2.3 the reasons why the decision should be overturned; and

26.2.4 the relief sought by the Person.

***Council authority over procedures***

26.3 The Council may, by regulation,

26.3.1 assign jurisdiction over appeals to the Vuntut Gwitchin Court; or

26.3.2 establish alternative procedures to hear and decide appeals.

***Hearing body authority***

26.4 In the absence of a regulation under section 26.3, the Review Council will

26.4.1 hear and decide the appeal; or

26.4.2 at its own expense, appoint an independent adjudicator to hear and decide the appeal.

26.5 The hearing body may dismiss all or part of an appeal without a hearing if the hearing body determines that:

26.5.1 the appeal is not within the jurisdiction of the hearing body;

26.5.2 the notice of appeal was not filed within 30 days of the decision;

26.5.3 the notice of appeal does not comply with section 26.2;

26.5.4 the appeal is frivolous, vexatious, trivial, or made in bad faith; or

26.5.5 there is no reasonable chance the appeal will succeed.

***Hearing body decisions***

26.6 In any hearing under this section:

26.6.1 the Guardian or Director who made the decision under appeal must have an opportunity to be heard; and

26.6.2 the hearing body may:

26.6.2.1 consider any relevant evidence;

26.6.2.2 overturn or modify the decision under appeal; and

26.6.2.3 order the Director take any lawful act to carry out the decision of the hearing body.

26.7 A dismissal or decision in an appeal under this section must be:

26.7.1 consistent with Vuntut Gwitchin Law, including the Act;

26.7.2 recorded in written reasons and a copy issued to the Director and the Person making the appeal; and

26.7.3 final and binding on the parties.

## **27.0 DISPUTE RESOLUTION**

### ***Application***

27.1 This section applies to disputes relating to Activities on Settlement Land.

### ***Council authority over procedures***

27.2 The Council may, by Law or Regulation:

27.2.1 assign jurisdiction over disputes to the Vuntut Gwitchin Court; or

27.2.2 establish alternative procedures to resolve disputes.

### ***Notice of dispute***

27.3 Unless a Law or Regulation under section 27.2 requires disputes to be heard by the Vuntut Gwitchin Court or under an alternative procedure, a Person in a dispute under section 27.1 may request dispute resolution by delivering a written notice to the Council.

27.4 A notice of dispute under section 27.3 must include:

27.4.1 the name and mailing address of every Person in the dispute; and

27.4.2 the location of the Settlement Land that is the subject of the dispute; and

27.4.3 the reasons for the dispute.

### ***Council authority***

27.5 Upon receipt of a notice of dispute, and with the written consent of all the parties, the Council may:

27.5.1 hear and resolve the dispute;

- 27.5.2 appoint an independent mediator to help the parties negotiate a settlement agreement; or
- 27.5.3 appoint an independent arbitrator to hear and decide the dispute, where mediation fails to resolve the dispute or the Council believes the matter is not suitable for mediation.

***Costs of mediation or arbitration***

- 27.6 Unless the Council provides otherwise in a particular case, the parties will share equally in the cost of a mediation or arbitration under this section.

***Agreements in writing***

- 27.7 Any mediation or arbitration under this section must be conducted under a written agreement signed by all the parties to the dispute.
- 27.8 A settlement agreement or decision of an arbitrator under this section must be:
  - 27.8.1 consistent with Vuntut Gwitchin Law, including the Act;
  - 27.8.2 recorded in writing and a copy provided to each party, the Director and the Council; and
  - 27.8.3 final and binding on the parties.

**28.0 COMPENSATION FOR EXPROPRIATION BY VUNTUT GWITCHIN GOVERNMENT**

- 28.1 Any compensation payable by Vuntut Gwitchin Government under the Act:
  - 28.1.1 will be in an amount and form that the Council, an arbitrator or a court determines is reasonable and appropriate in the circumstances; and
  - 28.1.2 may include a Grant in substitution for any Grant affected by the action of Vuntut Gwitchin Government that created a right to compensation.
- 28.2 In a negotiation under section 6.9.1.2, the Council must, at the expense of Vuntut Gwitchin Government, order:
  - 28.2.1 an inspection of the Settlement Land; and
  - 28.2.2 an independent appraisal of the Fair Market Value of the right, title or interest subject to expropriation.
- 28.3 Where the Council carries out an expropriation under section 6.9.1, it will pay compensation to the Grantee equivalent to:

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- 28.3.1 the Fair Market Value of the interest in Settlement Land being expropriated;
  - 28.3.2 the replacement value of any improvements;
  - 28.3.3 any damages directly attributable any disturbance; and
  - 28.3.4 any damages for any reduction in the value of the Grantee's remaining interest.
- 28.4 Subject to an agreement reached between the parties to a dispute under section 28.5, the Supreme Court of Yukon will have jurisdiction over any dispute under this section.
- 28.5 In any dispute under this section, the parties may, by agreement:
- 28.5.1 hire an independent mediator to help the parties negotiate a settlement; or
  - 28.5.2 hire an independent arbitrator to hear and decide the dispute.

**29.0 COOPERATIVE AGREEMENTS; DELEGATION; REGULATIONS; FORMS**

- 29.1 The Council may enter into an agreement with any Government or organization for the purposes of this Act.

***Delegation by Council***

- 29.2 The Council may, in writing:
- 29.2.1 delegate the execution of any power or duty of the Council under the Act, except the power to make regulations; and
  - 29.2.2 terminate a delegation made under section 29.2.1.

***Emergency delegation***

- 29.3 During an Emergency the Chief may, in writing, suspend any delegation made under section 28.2.1 and make a new delegation, and the suspension and new delegation will remain in effect until the next meeting of the Council.

***Delegation by Director***

- 29.4 The Director may, in writing:
- 29.4.1 delegate the execution of any power or duty of the Director under the Act; and
  - 29.4.2 terminate a delegation made under section 29.4.1.

***Council authority to regulate***

- 29.5 The Council may make any regulation it considers necessary for the purposes of the Act.

***Director authority to prescribe forms***

29.6 The Director will prescribe forms, not inconsistent with this Act, for the administration of this Act, and may create, amend or replace such forms as the Director considers appropriate.

**30.0 GENERAL PROVISIONS**

***Liability of Vuntut Gwitchin Government***

30.1 Unless the Act provides otherwise, Vuntut Gwitchin Government and its Council, employees, officials and agents are not liable for any injury, losses, costs, liabilities, expenses, legal fees or damage arising from any act or omission of Council, an employee, official or agent of Vuntut Gwitchin Government in the good faith execution of its duties or powers under the Act.

***Service of documents***

30.2 Any document issued or submitted under this Act may be served by:

30.2.1 personal delivery to the Person to whom it was issued; or

30.2.2 registered mail addressed to the Person to whom it was issued, at the address last known to the sender; or

30.2.3 where the document is a warning or order and the Person to be served is unknown, by posting the document at the head administrative offices of Vuntut Gwitchin Government and in a conspicuous location on the site of the Activity.

***Severability***

30.3 The invalidation of a provision of the Act by a court will not affect the validity of any other provision of the Act.

***Coming into force***

30.4 This Act comes into force, in whole or in part, on a day to be fixed by the Council.



**VUNTUT GWITCHIN FIRST NATION  
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**VUNTUT GWITCHIN FIRST NATION  
LANDS AND RESOURCES REGULATIONS**

***Pursuant to section 29.5 of the Lands and Resources Act (2019), the Council of the Vuntut Gwitchin First Nation enacts as follows:***

**1.0 Interpretation**

***Citation***

1.1 These Regulations may be cited as the *Lands and Resources Regulations*.

***Definitions***

1.2 In these Regulations,

“Casual and Insignificant,” in relation to the exercise of a Third-Party Access Right, means access that is occasional and leaves no evidence of the access lasting longer than one year;

“Designation of Heir” means an Instrument that designates the heir to a Personal Allocation pursuant to section 7.6 of the Act;

“Generally Recognized Route” means a road or trail on Undeveloped Settlement Land that was:

- (a) regularly used by the public, seasonally or year round,
  - (i) before public notification of Vuntut Gwitchin Government's final land selection; or
  - (ii) where the land became Settlement Land after the effective date of the Final Agreement, on the date the land became Settlement Land; or
- (b) authorized by Vuntut Gwitchin Government to provide public access to Settlement Land.

“Significant Alteration,” in relation to an access route, means any change that

- (a) requires the clearing or destruction of Forest Resources or the movement of rock or earth;
- (b) increases or reduces access to Settlement Land; or
- (c) alters the cultural, aesthetic or ecological character of the area for longer than one year;

“Undeveloped Settlement Land” has the same meaning as in the Final Agreement; and

“Waterfront Right-of-Way” has the same meaning as in the Final Agreement.

1.3 Capitalized terms not otherwise defined have the same meaning as in the Act.

## **2.0 Activities and Exemptions**

2.1 A Person must hold a Grant, Permit or Access Notice Certificate to carry out an Activity listed in Schedule 1, Column A of these Regulations, unless the Activity is listed as exempt under Column B.

## **3.0 Applications**

### ***Form of application***

3.1 Every application for a Grant, Permit or Access Notice Certificate shall be in the form set out in Schedule 3.

### ***Content of application***

3.2 Every application shall include:

- 3.2.1 the applicant's legal name and signature;
- 3.2.2 the applicant's current mailing address;
- 3.2.3 whether the applicant is a Citizen;
- 3.2.4 a land description that complies with Schedule 2 of these regulations;
- 3.2.5 a description of any existing Activity, including a Traditional Activity;
- 3.2.6 a plan of proposed Activities; and
- 3.2.7 background information about the applicant and any other Person who would benefit from the Grant or Permit; and

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- 3.2.8 any application fee required by Schedule 4, Part A, unless waived by the Director.
- 3.3 Every application for a Personal Allocation shall include a Designation of Heir in the form set out in Schedule 3A, and
  - 3.3.1 a Designation of Heir is not valid until it is recorded in the Register; and
  - 3.3.2 a Citizen named as an heir under this section may not act as a witness to the Declaration of Heir.
- 3.4 Every application to replace, amend or subdivide a Grant shall include:
  - 3.4.1 proof of ownership of the Grant to be replaced, amended or subdivided;
  - 3.4.2 the reasons for the replacement, amendment or subdivision; and
  - 3.4.3 the name of any other Person who may benefit from or be affected by the replacement, amendment or subdivision.

***Additional information***

- 3.5 The Director may require an applicant for a Grant or Permit to provide, at the applicant's expense,
  - 3.5.1 a plan for the reclamation, rehabilitation or restoration of Settlement Land;
  - 3.5.2 studies of:
    - 3.5.2.1 the cost of reclamation, if carried out by a qualified third party;
    - 3.5.2.2 the socio-economic and environmental effects of the proposed Activity, taking into account any mitigation proposed in the application; and
    - 3.5.2.3 alternatives to a proposed Activity;
  - 3.5.3 proof that the applicant has the financial ability to fulfill the terms of a Grant or Permit; and
  - 3.5.4 any other information Vuntut Gwitchin Government requires to assess the application.

**4.0 Adequacy of Applications**

- 4.1 Where the Director determines that an application is incomplete, the Director shall issue a written notice to the applicant describing the information required.
- 4.2 Upon issuing a notice under section 4.1, the Director has no further obligation to review the application until the applicant provides all the information required by the notice.

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**5.0 Public Notice**

- 5.1 Where the Director determines that Vuntut Gwitchin Government has enough information to assess the application, the Director shall post a public notice at the Vuntut Gwitchin Government offices.
- 5.2 A public notice under section 5.1 shall:
- 5.2.1 describe the nature and location of proposed Activities;
  - 5.2.2 invite any Person to provide comments to the Director;
  - 5.2.3 omit any private or confidential information of the applicant; and
  - 5.2.4 remain posted until a final decision is made on the application.

**6.0 Assessment of Applications**

***Consultation***

- 6.1 In assessing an application, the Director may consult:
- 6.1.1 Citizens living in the Traditional Territory;
  - 6.1.2 any affected Grantee or Permittee;
  - 6.1.3 any Vuntut Gwitchin Government agency whose operations may be affected by the application; and
  - 6.1.4 any other Person with opinions or information relevant to the assessment.

***Factors for consideration***

- 6.2 In assessing an application, the Director shall consider:
- 6.2.1 the applicant's eligibility for a Grant, Permit or Access Notice Certificate;
  - 6.2.2 the applicant's past performance under Grants, Permits, Access Notice Certificates or authorizations issued under a Law of General Application;
  - 6.2.3 the need to require the deposit of security under the *Security Regulations*;
  - 6.2.4 the application's compatibility with existing Plans or management objectives in the *Parcel Management Regulations*;
  - 6.2.5 any reservations, exceptions, restrictions, easements, rights of way or special conditions under section 5.3.1 of the Final Agreement;

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- 6.2.6 any study or assessment, including an assessment under the *Yukon Environmental and Socio-economic Assessment Act*, S.C. 2003, c.7;
- 6.2.7 any public comment or consultation; and
- 6.2.8 the potential effects of an approval of the application on:
  - 6.2.8.1 Grantees or Permittees;
  - 6.2.8.2 Traditional Activities;
  - 6.2.8.3 Settlement Land and the environment; and
  - 6.2.8.4 Encumbering Rights.

#### ***Declaration under Yukon Environmental and Socio-economic Assessment Act***

- 6.3 The Director may declare that an Activity proposed in an application is subject to assessment under section 48(1) of the *Yukon Environmental and Socio-economic Assessment Act* if:
  - 6.3.1 the Activity is otherwise exempt from assessment under the *Assessable Activities, Exceptions and Executive Committee Projects Regulations*, SOR/2005-379;
  - 6.3.2 the Director believes that the Activity falls within the scope of sections 48(3) or 48(4) of the *Yukon Environmental and Socio-economic Assessment Act*; and
  - 6.3.3 the other Persons or bodies with the power to make that declaration consent.

#### ***Assessment under Yukon Environmental and Socio-economic Assessment Act***

- 6.4 If an Activity proposed in an application requires assessment under the *Yukon Environmental and Socio-economic Assessment Act*, Vuntut Gwitchin Government will not issue a Grant, Permit or Access Notice Certificate until:
  - 6.4.1 the Yukon Environmental and Socio-economic Assessment Board has delivered its recommendation; and
  - 6.4.2 any decision bodies under the *Yukon Environmental and Socio-economic Assessment Act* have issued their decision documents.

### **7.0 Decisions on Permit and Access Notice Certificate Applications**

#### ***Director actions on Permit applications***

- 7.1 Once the Director completes the assessment of a Permit application, the Director may:
  - 7.1.1 approve the application;

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- 7.1.2 approve the application subject to terms;
- 7.1.3 refer the application to a Community Advisory Panel;
- 7.1.4 refer the application to a Standing Committee established pursuant to section 2(1) of the *Governance Act*; or
- 7.1.5 reject the application and provide written reasons to the applicant.

***Applications by Director or Guardian***

- 7.2 Where the applicant is a Guardian or the Director,
  - 7.2.1 the Director shall forward the application to the Council for a decision under the procedures set out in section 8.3; and
  - 7.2.2 before making a decision on the application, the Council may exercise the powers of the Director under section 8.1.3.

***Director actions on Access Notice Certificate applications***

- 7.3 Once the Director completes the assessment of an Access Notice Certificate application, the Director shall issue an Access Notice Certificate for any Activities that do not require Consent or an order of the Surface Rights Board.

**8.0 Decisions on Grant Applications**

***Director actions on Grant applications***

- 8.1 Once the Director completes the assessment of a Grant application, the Director may:
  - 8.1.1 forward the application to the Council with a written recommendation to approve or reject the application;
  - 8.1.2 refer the application to a Community Advisory Panel; or
  - 8.1.3 refer the application to a Standing Committee established pursuant to section 2(1) of the *Vuntut Gwitchin Governance Act*.

***Role of Community Advisory Panel or Standing Committee***

- 8.2 After reviewing a Grant application referred by the Director, a Community Advisory Panel or Standing Committee may:
  - 8.2.1 return the application to the Director with a written recommendation to approve or reject the application;
  - 8.2.2 refer the application to the Elders Council for a review and recommendation; or

8.2.3 request more information from the Director.

***Council actions on Grant applications***

8.3 After reviewing a Grant application and any recommendation, the Council may

8.3.1 approve the application;

8.3.2 approve the application subject to terms;

8.3.3 reject the application and provide written reasons to the applicant;

8.3.4 postpone a decision on the application until a Plan is in effect for the Settlement Land; or

8.3.5 request more information from the Director.

**9.0 Appeals on applications**

9.1 An applicant has a right to appeal under section 25.0 of the Act with respect to a decision of the Director:

9.1.1 setting the terms of a Permit under section 7.1.2; or

9.1.2 rejecting a Permit application under section 7.1.5.

9.2 A Person has a right to appeal under section 25.0 of the Act with respect to a decision of the Director:

9.2.1 approving a Permit application under section 7.1.1; or

9.2.2 setting terms of a Permit under section 7.1.2

where the Person believes that the decision infringes on his or her rights or interests in Settlement Land.

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**Schedule 1 – Activities Requiring Grant, Permit or Access Notice Certificate**  
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**Schedule 1: Activities Requiring Grant, Permit or Access Notice Certificate**  
*Lands and Resources Act, s. 4.6.3; Lands and Resources Regulations, s. 2.1*

<b>Activity (Column A)</b>	<b>Exemptions (Column B)</b>
Harvest of Forest Resources, including dead standing timber	<p>Harvest by a Citizen carrying on a Traditional Activity</p> <p>Harvest by a Citizen of fuel wood, except in areas where a Permit is required by Regulation</p> <p>Where authorized by the Final Agreement, harvest of dead standing or deadfall timber by a Person using a Waterfront Right-of-Way for travel and non-commercial recreational purposes</p>
<p>Significant Alteration of an access route, including leveling, grading, clearing, cutting, expanding or upgrading of a road, trail, line or right of way</p> <p>Use of any Vehicle</p>	<p>Use on a public road</p> <p>Use on a Generally Recognized Route, where the access does not cause Significant Alteration of the route</p> <p>Use that is Casual and Insignificant</p>
<p>Clearing, drilling or movement of rock or earth</p> <p>Use of explosives</p> <p>Significant Damage to Settlement Land or improvements</p>	
Establishment of campsite or structure	<p>Establishment by a Citizen carrying on a Traditional Activity</p> <p>Establishment for non-commercial recreational purposes, for fewer than 30 person-days per year</p>
Storage, use or disposal of any petroleum product, chemical or substance hazardous to the environment	

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Activity (Column A)	Exemptions (Column B)
Abandonment or disposal of waste, garbage, sewage, soil, equipment or construction materials	Disposal at a facility approved by the Council
Scientific or other research	
Access by a Government, a corporation wholly owned by a Government, or any agents, contractors or employees thereof, for a public purpose	Access to carry out regulatory inspections or enforce applicable Law
Any other Activity not specifically authorized by the Act or the Final Agreement and not exempted by the Act or this Schedule	Carrying out a Traditional Activity, unless the Traditional Activity includes an Activity in Column A that is not within an exemption in Column B

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**Schedule 2: Minimum Standards for Land Descriptions**  
*Lands and Resources Act, s. 29.5; Lands and Resources Regulations, s. 3.2.4*


<b>Authorization or Notice Type</b>	<b>For Applications</b>	<b>For Issue</b>
Access Notice Certificate	Sketch on NTS map Sketch on copy of Survey plan	Sketch on NTS map Sketch on copy of Survey plan
Permit	Sketch on NTS map Sketch on copy of Survey plan	Sketch on NTS map Sketch on copy of Survey plan
Allocation	Sketch on NTS map Sketch on copy of Survey plan	Sketch on NTS map with GPS boundaries Sketch on copy of Survey plan with GPS boundaries
Lease	Sketch on NTS map Sketch on copy of Survey plan	Survey recorded in Canada Lands Survey Records
Resource Concession	Sketch on NTS map Sketch on copy of Survey plan	Survey recorded in Canada Lands Survey Records
Government Reserve	Sketch on NTS map Sketch on copy of Survey plan	Survey recorded in Canada Lands Survey Records
Easement	Sketch on NTS map Sketch on copy of Survey plan	Explanatory plan recorded in the Canada Lands Survey Records
Renewal	Copy of original Grant or Permit to be renewed	Same as required for original Grant or Permit
Subdivision	Sketch on NTS map Sketch on copy of Survey plan	Plan of subdivision recorded in the Canada Lands Survey Records
Transfer	Copy of original Grant to be transferred	Same as original Grant

**Draft 13 Lands and Resources Regulations**  
**Schedule 2 – Minimum Standards for Land Descriptions**  
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Termination	Copy of original Grant to be terminated	Same as original Grant
Mortgage-like Agreement with Three-Party Non-Disturbance agreement	N/A	Per lender requirements

**Draft 13 Lands and Resources Regulations**  
**Schedule 3 – Application for Grant, Permit or Access Notice Certificate**  
**March 2020**  
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**Schedule 3: Application for Grant, Permit or Access Notice Certificate**  
*Lands and Resources Act, s. 29.6; Lands and Resources Regulations, s. 3.1*

<b>A. APPLICANT INFORMATION</b> <b>(attach new sheet for additional applicants)</b>		
Given Name:	Middle Name:	Surname:
Registered or Incorporated Business Name:		
Mailing Address:		
City/Town:	Territory/Province:	Postal Code:
Home Phone:	Business Phone:	Email:
Are you a Vuntut Gwitchin Citizen?  <input type="checkbox"/> YES <input type="checkbox"/> NO	Preferred Method of Contact:	
<b>B. ACTIVITY INFORMATION</b>		
Application Type (including transfers, renewals or replacements):		
<input type="checkbox"/> Permit	<input type="checkbox"/> Personal Allocation	<input type="checkbox"/> COMMERCIAL USE
<input type="checkbox"/> Access Notice Certificate	<input type="checkbox"/> Family Allocation	<i>Application is for a business purpose</i>
<input type="checkbox"/> Lease	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other:
<b>Renewals</b> <b>Transfers</b> <b>Replacements</b> 	Authorization or Access Notice Certificate number:	Expiry Date:
Settlement Land Parcel(s):	Proposed Duration of Activities:	
<b>Attach land description that meets application standards on reverse</b>		
Proposed Activities (check all that apply):		
<input type="checkbox"/> Building or occupying structure	<input type="checkbox"/> Using explosives	<input type="checkbox"/> Government access
<input type="checkbox"/> Harvesting Forest Resources	<input type="checkbox"/> Using petroleum products	<input type="checkbox"/> Other:
<input type="checkbox"/> Altering roads and trails	<input type="checkbox"/> Using other hazardous substances	
<input type="checkbox"/> Off-road vehicle use	<input type="checkbox"/> Waste disposal	
<input type="checkbox"/> Clearing land	<input type="checkbox"/> Scientific or other research	
<input type="checkbox"/> Drilling or moving rock or earth		

**Draft 13 Lands and Resources Regulations**  
**Schedule 3 – Application for Grant, Permit or Access Notice Certificate**  
**March 2020**  
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Describe any existing use of the land that you know about, including Traditional Activities:

Applicant Signature:	Date:
----------------------	-------

**C. MINIMUM APPLICATION STANDARDS FOR LAND DESCRIPTIONS (Schedule 2, Column B)**

Access Notice Certificate Permit Allocation Lease Resource Concession Government Reserve Easement	Sketch on NTS map Sketch on copy of Survey
Renewal	Same as required for Grant or Permit to be renewed
Subdivision Transfer Termination	Copy of original Grant to be subdivided or transferred or terminated

**D. OFFICE USE ONLY**

Is application complete?  <input type="checkbox"/> YES <input type="checkbox"/> NO	If no, was applicant notified?  <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of notice to applicant:
--	--	------------------------------

**Additional information requested:**

<input type="checkbox"/> Reclamation plan	<input type="checkbox"/> Study: Socio-economic	<input type="checkbox"/> Other:
<input type="checkbox"/> Study: Reclamation cost	<input type="checkbox"/> Study: Alternatives	
<input type="checkbox"/> Study: Environmental	<input type="checkbox"/> Financial Ability	

**Notes:**

**Schedule 3A: Designation of Heir**  
*Lands and Resources Act, s. 7.4; Lands and Resources Regulations, s. 3.3*

<b>A. APPLICANT INFORMATION</b>		
Given Name:	Middle Name:	Surname:
Mailing Address:		
City/Town:	Territory/Province:	Postal Code:
Home Phone:	Business Phone:	Email:
Preferred Method of Contact:		Personal Allocation number:
<b>B. DECLARATION</b>		
<p>Upon my death, I direct the Clerk of the Register to transfer my Personal Allocation to my [relationship], [legal name of designated heir] if [he/she] survives me for 30 days.</p> <p>I understand that this declaration will only be effective if [legal name of designated heir] is a Vuntut Gwitchin Citizen at the time of my death.</p> <p>I also understand that my Personal Allocation cannot be transferred or assigned in my will, and that if I change my mind about who I wish to inherit the Allocation, I must submit a new version of this application.</p>		
<p>IN WITNESS WHEREOF, I have signed my name to this Declaration on this ____ day of _____, 20____.</p> <p>_____</p> <p align="center"><b>[Name of applicant]</b></p>		
<p>We were both present at the request of [name of applicant] when [he/she] signed this declaration. We signed as witnesses in [his/her] presence and in the presence of each other.</p>		

**Draft 13 Lands and Resources Regulations  
Schedule 3A – Designation of Heir  
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Signature: _____	Signature: _____
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Occupation: _____	Occupation: _____

**Draft 13 Lands and Resources Regulations**  
**Schedule 4 – Fees**  
**March 2020**  
**CONSULTATION VERSION**

**Schedule 4: Fees**

*Lands and Resources Act, s. 4.6.3; Lands and Resources Regulations, s. 3.2.8*

**Part A: Application Fees**

<b>Application Type</b>	<b>Fee Class 1</b>	<b>Fee Class 2</b>
Access Notice Certificate	N/A	N/A
Permit	\$0.00	\$25.00
Allocation	\$0.00	N/A
Lease, Primary Residential Use	\$25.00	\$50.00
Lease, Other Use	\$125.00	\$250.00
Easement	\$25.00	\$50.00
Resource Concession	\$125.00	\$250.00
Subdivision	\$125.00	\$250.00
Renewal	Fee applicable to application of the type to be renewed	
Transfer	Fee applicable to application of the type to be transferred	
Termination	Fee applicable to application of the type to be terminated	

**Fee Class 1 applies to Vuntut Gwitchin Government or a Citizen. Fee Class 2 applies to any other applicant.**

**PART B: Register Fees**

<b>Document Type</b>	<b>Fee</b>
Application to record Permit, Access Notice Certificate, notice or order	N/A
Application to record Grant where Vuntut Gwitchin Government is a party	N/A
Application to record Grant where Vuntut Gwitchin Government is not a party	\$25.00
Register inquiries	\$50.00/hour
Copies of Register documents	\$0.15/page

Schedule 5: Enforcement Forms

**FORM A – WARNING**  
*Lands and Resources Act, s. 17.1*

Date:		Time:	AM PM
Location:			
Issued to:	<i>(name of target)</i>		
Issued by:	<i>(name of Guardian or Director)</i>	Signature:	

**You are receiving this warning because your activities at the above location are in violation of the Vuntut Gwitchin *Lands and Resources Act (2019)*.**

*Describe reasons for the warning (i.e., activities the officer reasonably believes are not in compliance with the Act, regulations, Permit, etc.)*

**To avoid further enforcement action, you should carry out the steps below by the date set out on this warning:**

*Describe required actions to bring activity into compliance.*

Comply by:	<i>(Immediate unless filled out)</i>
------------	--------------------------------------

**Draft 13 Lands and Resources Regulations  
 Schedule 5 – Enforcement Forms  
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**FORM B – ORDER**

*Lands and Resources Act, s. 18.1*

Date:		Time:		AM PM
Location:				
Issued to:	<i>(name of target)</i>			
Issued by:	<i>(name of officer or Director)</i>	Signature:		

**You are receiving this order because your activities at the above location (check all that apply):**

- |   |  |
|---|--|
| <input type="checkbox"/> violate the <i>Lands and Resources Act, 2018</i> | <input type="checkbox"/> violate terms of a Grant, Permit or access right  |
| <input type="checkbox"/> damage Settlement Land or improvements           | <input type="checkbox"/> endanger public health, safety or the environment |

**Detailed reasons for order:**

*Describe reasons for the order. (i.e., activities the officer reasonably believes are not in compliance with the Act, regulations, Permit, etc.)*

**You are hereby ordered to:**

*Describe required actions to bring activity into compliance.*

Comply by:

COMPLIANCE DATE IS THE DATE OF THE ORDER UNLESS THE ISSUING OFFICER SETS ANOTHER DATE FOR COMPLIANCE

**If you do not comply with this order by the deadline, Vuntut may take further enforcement action, including prosecution. You can appeal this order by delivering a notice to the Council within 30 days.**

**Draft 13 Lands and Resources Regulations  
 Schedule 5 – Enforcement Forms  
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**FORM C – TICKET**

*Lands and Resources Act, s. 19.1*

Date:		Time:		AM PM
Location:				
Issued to:	<i>(name of target)</i>			

**On the date above, the person named on this ticket did commit the following offence under:**

the *Lands and Resources Act (2019)*

Regulation under the Act

**Description of offence:**

Section number of Act or Regulation:

**SWORN before me at:**

Location:		Date:	
Issued by:	<i>(name of officer or Director)</i>	<b>X</b>	
Sworn before:	<i>(name of justice of the peace)</i>	<b>X</b>	

**YOU ARE COMMANDED to appear in court to answer to the charge at:**

Date:		Time:		AM PM
Location:				
<b>You have the right be represented by a lawyer.</b>				
Signature:				

**FORM C – TICKET (NOTICE TO APPEAR)**

If you do not wish to appear in court on the stated date, you may (choose one):

<b>PAY FINE</b>	Pay a fine of: \$	Pay by date:	
	Fines may be paid by mail or in person to the Territorial Court by the pay-by date. If you do this a plea of GUILTY will be entered and you are not required to appear in court to answer the charge.		

**OR**

<b>PLEAD NOT GUILTY</b>	You may plead NOT GUILTY by signing the plea of not guilty below and returning this notice to appear by mail or in person to the Territorial Court by the return-by date below.		
	<b>X</b>	Return by date:	
	If you return a completed notice by the deadline, you are not required to appear in court to answer the charge until further notice.		

(See particulars of court address and payment of fine on back of notice to appear)

**PERSONAL INFORMATION OF THE ACCUSED:**

Date of birth:		Sex:	<b>F M</b>
Street address:			
Mailing address			
City:		Province: Territory:	
Postal Code:			

Issued by:	<i>(name of Guardian or Director)</i>	<b>X</b>
Issued to:	<i>(name of target)</i>	<b>X</b>

**FINE REVENUE IS PAYABLE TO VUNTUT GWITCHIN GOVERNMENT.**

**FORM C – TICKET (CERTIFICATE OF SERVICE)**

I certify that on the date listed below, I personally delivered the Notice to Appear part of this ticket to the person named on the face side of this complaint, as the person to whom the ticket is issued.

Date:		
Certified by:	<i>(name of Guardian or Director)</i>	<b>X</b>

**FORM C – TICKET (COURT ACTION)**

Date:			
For VG:		For accused:	

Charge read

Ex parte hearing

**PLEA:**

Guilty

Not guilty

**COURT FINDING:**

Guilty

Not guilty

Dismissed

Withdrawn

Fine:	\$	Costs:	\$
TOTAL:	\$	Pay by:	

**SIGNATURE OF JUDGE OR JUSTICE OF THE PEACE:**

Date:		<b>X</b>
-------	--	----------



**VUNTUT GWITCHIN FIRST NATION  
PARCEL MANAGEMENT REGULATIONS**

**1.0 Interpretation**

- 1.1 These Regulations may be cited as the *Parcel Management Regulations*.
- 1.2 The purpose of these Regulations is to define the management objectives for identified Settlement Land parcels.

**2.0 Fishing Branch – Management Objectives**

Settlement Land parcels R-5A and S-3A1, as identified in the Final Agreement, shall be managed:

- 2.1 to ensure that the parcels and the Fishing Branch Ecological Reserve, as described in Schedule B of Chapter 10 of the Final Agreement, are managed as a single ecological unit;
- 2.2 to recognize and protect the traditional and current uses of the parcels by Vuntut Gwitchin;
- 2.3 to protect the full diversity of fish and wildlife populations, particularly salmon and grizzly bears;
- 2.4 to protect fish and wildlife habitat from Activities that may reduce the capacity of the parcels to support fish and wildlife; and
- 2.5 to preserve the integrity of the natural landforms, geology, hydrology and special features of the parcels.

**3.0 Old Crow Flats – Management Objectives**

Settlement Land parcels R-1A and R-10A, as identified in the Final Agreement, shall be managed:

## **Draft 13 Parcel Management Regulations**

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- 3.1 to maintain the ecological integrity of the parcels as part of the Old Crow Flats area, as described in Schedule C of Chapter 10 of the Final Agreement;
- 3.2 to recognize and protect the traditional and current use of the parcels by Vuntut Gwitchin while recognizing the changing values and priorities of Vuntut Gwitchin in contemporary Canadian society;
- 3.3 to protect and conserve fish and wildlife and their habitat that is of international, national and local significance, with particular regard to migratory birds and Porcupine caribou and their habitats; and
- 3.4 to protect fish and wildlife habitat from Activities that may reduce the capacity of the parcels to support fish and wildlife.



**VUNTUT GWITCHIN FIRST NATION  
SECURITY REGULATIONS**

**1.0 Interpretation**

- 1.1 These Regulations may be cited as the *Security Regulations*.
- 1.2 In these Regulations, “Significant Alteration” has the same meaning as in the *Land and Resources Regulations*.
- 1.3 Capitalized terms not otherwise defined have the same meaning as in the Act.

**2.0 When Security Required**

- 2.1 Where the Director determines that an Activity may cause Significant Alteration or Significant Damage, the Director may require the deposit of security.
- 2.2 In determining whether to require the deposit of security, the Director may consider:
  - 2.2.1 the purpose of the Activity;
  - 2.2.2 the risk of Significant Alteration or Significant Damage;
  - 2.2.3 any plan or study related to the reclamation of Settlement Land;
  - 2.2.4 the applicant's past performance under Grants, Permits, Access Notices or authorizations issued under a Law of General Application; and
  - 2.2.5 whether the applicant has provided adequate security under another Vuntut Gwitchin Law or a Law of General Application.

**3.0 Assessment of Security**

- 3.1 Where the Director determines that security should be required, the Director may:
  - 3.1.1 at the applicant's expense, order:

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- 3.1.1.1 an independent review of a study provided under section 3.5.2.1 of the *Lands and Resources Regulations*; or
    - 3.1.1.2 an independent estimate of the cost of reclamation;
  - 3.1.2 require the deposit of security in any amount:
    - 3.1.2.1 proposed in a study provided under section 3.4.2 of the *Lands and Resources Regulations*;
    - 3.1.2.2 recommended in an independent review or estimate under section 3.1.1; or
    - 3.1.2.3 that, in the opinion of the Director, will provide adequate security for the applicant's performance of obligations set out in a Grant or Permit.
- 3.2 The Director may reassess the amount of security required at any time:
  - 3.2.1 at the request of the holder of the Grant or Permit; or
  - 3.2.2 where the Director determines that the circumstances justify an increase or decrease in the amount of security.
- 3.3 Before increasing the amount of security required, the Director shall provide:
  - 3.3.1 written notice to the Grantee or Permittee of the reasons for the increase; and
  - 3.3.2 30 calendar days for the Grantee or Permittee to submit written comments on the Director's reasons.
- 4.0 Use and Release of Security**
- 4.1 The Director may use any part of the security to:
  - 4.1.1 carry out any reclamation required by the Grant or Permit, where the Grantee or Permittee fails to do so;
  - 4.1.2 pay any compensation due to a Vuntut Gwitchin Citizen as part of a Benefits and Stewardship Agreement, where the Grantee or Permittee fails to do so;
  - 4.1.3 carry out remedial actions under section 15.0 of the Act, where the Grantee or Permittee fails to do so;

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- 4.1.4 carry out the terms of an order under the Act, where the Grantee or Permittee fails to do so; and
  - 4.1.5 reimburse Vuntut Gwitchin Government for costs incurred in connection with an Emergency caused by an act or omission of the Grantee or Permittee.
- 4.2 Where the Director determines that any part of the security is no longer required, the Director shall return that security, and any proceeds from its investment, to the Grantee, Permittee or successor.
- 5.0 Form of Security; Liability**
- 5.1 Security shall be in the form of:
- 5.1.1 a promissory note guaranteed by a chartered bank in Canada and payable to Vuntut Gwitchin Government;
  - 5.1.2 a certified cheque or bank draft drawn on a chartered bank in Canada and payable to Vuntut Gwitchin Government;
  - 5.1.3 bearer bonds issued or guaranteed by the Government of Canada;
  - 5.1.4 any combination of the securities described in section 5.1.
- 5.2 Nothing in this regulation shall affect the liability of a Grantee or Permittee for any damage to Settlement Land or improvements that exceeds the amount of security.

Draft 13 Old Crow Zoning Bylaw

March 2020

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Vuntut Gwitchin Government

## OLD CROW ZONING BYLAW

### BYLAW # XX-2020

A bylaw which is a statement of objectives and policies to guide planning and land use management decisions on Settlement Land and within the community of Old Crow, in accordance with the provisions of the Final Agreement and the *Land and Resources Act*.

**Draft 13 Old Crow Zoning Bylaw  
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**Draft 13 Old Crow Zoning Bylaw**

**March 2020**

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The Final Agreement provides that:

- 5.5.1. *Subject to its Settlement Agreement, each Yukon First Nation, as owner of Settlement Land, may exercise the following powers of management in relation to its Settlement Land:*
  - 5.5.1.1. *to enact bylaws for the use of and occupation of its Settlement Land; [and]*
  - 5.5.1.2. *to develop and administer land management programs related to its Settlement Land...*

Section 11.1.3.7 of the Vuntut Gwitchin *Lands and Resources Act* authorizes the Council of the Vuntut Gwitchin to “adopt zoning or other regulations to implement a Plan” for the management of Settlement Land and Resources.

In accordance with the Final Agreement and the *Lands and Resources Act*, the Council has undertaken the appropriate consultations and other steps to amend the *Old Crow Zoning Bylaw, 2016* to bring it within the framework of the *Lands and Resources Act*.

**This Bylaw is adopted under the procedures set out in the Vuntut Gwitchin Governance Act.**

By this authority, the Council, in open meeting assembled, enacts as follows:

- a. The Old Crow Zoning Bylaw, 2016 is repealed.
- b. The Zoning Bylaw, XX-2018, set out in Schedule A, is adopted as a regulation under the *Lands and Resources Act*.
- c. The maps included in Schedule B to the Zoning Bylaw identify those areas subject to the regulation and are an integral part of the regulation.

This bylaw may be cited for all purposes as the “ZONING BYLAW, NO. XX-2020.”

READ A FIRST TIME this [date].

READ A SECOND TIME, RECONSIDERED AND ADOPTED this [date].

\_\_\_\_\_  
Chief [name]

\_\_\_\_\_  
Director of Natural Resources [name]

Certified a true copy of “ZONING BYLAW, NO. XX-2020.”

\_\_\_\_\_  
Chief Administrative Officer [name]

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## SCHEDULE A ZONING BYLAW

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## 1.0 PURPOSE

### 1.1. Mandate

The principal purpose of this bylaw is to regulate development in an orderly, economic, and environmentally responsible manner within the community of Old Crow and elsewhere on Settlement Land by:

- a. promoting health, safety, convenience, and welfare of the public;
- b. preventing the overcrowding of Settlement Land;
- c. preserving the amenities peculiar to any zone;
- d. securing adequate light, air, and access;
- e. recognizing the value of the land and the nature of its present and prospective use and occupancy; and
- f. recognizing the character of each zone, the character of the buildings already erected, the peculiar suitability of the zone for particular uses and the particular densities for particular zones.

### 1.2. Constraint

Council shall not consider or pass a zoning bylaw, consider any amendment thereto or issue a Grant or Permit for an Activity that is contrary to the provisions of an existing Plan unless and until the Plan has been amended or revoked.

## 2.0 APPLICATION OF BYLAW

This bylaw applies to all Settlement Land within the Old Crow community boundary defined by section 21.2.5.2 of the Final Agreement.

The Council may apply any part of the bylaw to Settlement Land beyond the Old Crow community boundary by adopting a Plan under section 11.0 of the *Lands and Resources Act* and defining the affected area through a new schedule attached to this bylaw.

It is recognized that non-Settlement Land in Old Crow, which is owned by the Governments of Yukon or Canada, is not under the legal authority of this bylaw. However, in the interests of coordinated community-wide decision-making, and in recognition of the consultation with Canada and Yukon government agents that has occurred, it is anticipated that the aforementioned governments will voluntarily work with and through the provisions of this bylaw.

### 3.0 TRADITIONAL CONFLICT MANAGEMENT

This Bylaw recognizes traditional practices of conflict management and dispute resolution, including but not limited to guidance and wisdom of Elders, Chief, Council, and the Justice Committee. The purpose of this Bylaw is not to supplant these practices in any way, but to clarify the land uses and community form that are felt to be in the collective best interest, without unduly affecting individual self-determination, or imposing cultural norms in an unreasonable fashion.

The Vuntut Gwitchin Government, including Council and staff, are, to the extent possible, directed to seek to resolve any and all land use conflicts that may arise, including violations of this bylaw, through traditional means, formal and informal. This includes the power to use the dispute resolution and administrative appeals processes in the *Lands and Resources Act*, to seek advice from community leaders and/or Elders verbally or in writing, and to undertake other such actions that are considered culturally appropriate.

Staff and Council are required, however, to fully document, in the form of a diary or chronological record, any and all efforts, and include these records in the permanent file on the land parcel in question.

As a general principle, formal legal enforcement of this bylaw shall commence only after all traditional conflict resolution mechanisms have been exhausted to a degree where there is clear, reasonable, and justifiable reason or reasons to believe that no other option is available; OR if there is an immediate and significant health or safety risk which must be addressed in the immediate future to prevent loss of life, limb, or property.

## 4.0 ADMINISTRATION AND ENFORCEMENT

### 4.1. Relationship to *Lands and Resources Act*

This bylaw shall be administered in accordance with the *Lands and Resources Act* and applicable regulations.

### 4.2. Basic Provisions

- a. No Person shall erect, construct, locate, alter, reconstruct, or maintain any building or locate or carry on any industry, business, trade or calling, or use any Settlement Land, building, structure, or water surface contrary to the provision of this bylaw.
- b. No Settlement Land, water surface, building or structure in any zone shall be used for any purpose except as specifically authorized in the zone in which the Settlement Land, water, building, or structure is located as set out in Schedule A of this bylaw.
- c. Nothing contained in this bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to their undertaking.
- d. Every use of Settlement Land, buildings and structures authorized in each zone shall conform to all of the regulations of the applicable zone and all other regulations in the bylaw.
- e. Discretionary uses require approval by the Development Approval Authority before a Grant or Permit can be issued.

### 4.3. Measurements

All measurements in the bylaw are expressed in the Standard International Units (SI) system.

### 4.4. Zoning Map and Boundary Determination

Settlement Land subject to this bylaw shall be divided into land use zones graphically represented on a Zoning Map, drawn to scale, which shall be attached to Schedule B of this bylaw.

Where Council adopts an amendment to the boundary of any land use zone, the change shall be reflected in an amendment to the relevant Zoning Map with the bylaw number and date of revision recorded on the drawing.

Zone boundaries shall be interpreted as follows:

- a. Where a boundary follows a public roadway, lane, utility right-of-way or easement, it follows the centre line unless clearly shown to the contrary on the Zoning Map;
- b. Where a boundary is shown as approximately following the community boundary, it follows that boundary;
- c. Where a boundary is shown as approximately following the edge or shoreline of a river, wetland or other water body, it follows the Ordinary High Water Mark (OHWM);
- d. Where a boundary is shown as approximately following a property line, it follows that property line;
- e. Where a boundary is shown as following a geographic feature such as a top-of-bank topographic contour, it follows that line; and
- f. In circumstances not covered above, the boundary shall be determined by measuring the Zoning Map.

Where a boundary of a zoning district coincides with a lot or lease boundary line and the existing surveyed lot or lease is resurveyed to accommodate a lot size change, the boundary of the zoning district shall, on registration of the change, be considered to follow the boundary of the new survey.

#### **4.5. Variances**

The distance regulations in this bylaw may be relaxed by up to 50% through a variance, which may be issued only by Council, and may be issued only with cause. The variance must be as small as possible given the circumstances.

Examples of legitimate variances include such situations as:

- a. Reducing a front yard setback because of a steep slope in the back yard of a property;
- b. Reducing the setback from a side yard lot line because the proposed house is offset from neighbouring houses, so no walls will directly face other walls; or
- c. Allowing a 3<sup>rd</sup> storey on a house in a 2-storey zone because of an unusually small lot size, and the aerodrome regulations authorize a higher building.

Where a variance is issued, the variance will specify:

- a. The dimension of the variance;

- b. The rationale for the variance;
- c. The time limit on the applicability of the variance; and
- d. Any other terms and conditions applicable to the circumstances of the variance.

## **5.0 DEFINITIONS**

In this bylaw, the definitions in the *Lands and Resources Act* apply and the definitions of the following terms are as follows:

***Abut or Abutting:***

Means immediately contiguous to, or physically touching, and when used with respect to lots or sites, means two that share a common property line or border.

***Accessory Building/Structure:***

Means a detached building, the use or intended use of which is ancillary to that of the principal building on the same lot. It will be adjacent to the primary structure and must have the same architectural theme as the main building. For clarity, accessory buildings include sheds, garages, and greenhouses. Any building higher than 1 metre shall be considered an accessory building.

***Accessory Use:***

Means a use or Activity that is customarily and normally incidental and subordinate to the principal use of the land or building.

***Airport:***

Means an area of land or water designated in this bylaw for the take-off or landing of aircraft including associated taxiways, aircraft storage, tie-down, fuel storage, navigation, terminal and support facilities.

***Alter:***

Means:

- a. any structural change to a building or part thereof that increases or decreases the external dimensions of the structure and involves a material change to a bearing wall, foundation support beam, column, or girder;
- b. any change in the area, frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; and
- c. to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

***Bachelor Home:***

See Guest House.

***Bed and Breakfast:***

Means temporary tourist accommodation, which is incidental and subordinate to a single-family dwelling or duplex and may include the service of breakfast to guests utilizing the accommodation.

***Buffer Strip:***

Means a landscaped or natural area intended to visibly separate and screen one use from another to improve land use compatibility, aesthetics, and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage and wildlife movement.

***Building:***

Means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and equipment.

***Building Height:***

Means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface or any parapet thereon, if a flat roof; to the deck line of a mansard roof; and to the highest point of the ridge for a gable, hip or gambrel roof.

***Building Inspector:***

Means the official appointed or authorized by Council to administer and enforce the provisions of the *Building Standards Act*, the National Building Code of Canada, and any construction provisions described in other acts and/or bylaws enacted by the Vuntut Gwitchin Government.

***Building Permit:***

Means the document authorizing the carrying out of any development, alteration or other work that is in accordance with this bylaw and requires a permit under the *Building Standards Act*.

***Building Standards Act:***

Means the Yukon *Building Standards Act*, RSY 2002, c.19.

***Bulk Fuel Storage:***

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**CONSULTATION VERSION**

Refers to the transportation (import), storage, and distribution of all petroleum products in Old Crow over 1,200 litres and all associated Settlement Land, buildings and structures.

***Business Services:***

Means businesses, which produce or service specialized goods or provide specialized services to commercial or industrial customers, but not to the general public.

***Commercial Use:***

Means an occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.

***Community Use:***

Means the use of land, a building or structure for recreation, education, public-safety, social or community use purpose. Typical uses include: nursing stations, public works facilities, government offices, schools, community halls, non-profit social clubs and churches.

***Compatible:***

Means that the Activities or use of Settlement Land, a building or structure is capable of existing and operating in harmony with adjacent buildings and land uses within the same zone, and impacts of Activities undertaken do not extend beyond the boundaries of the property on which they are situated such that they restrict the use and enjoyment of neighbouring properties by virtue of noise, dust, odour and hours of operation.

***Conditional Use:***

See Discretionary use

***Condominium:***

Means a multiple family residential strata title development consisting of individual dwelling units.

***Designated Vehicle Storage Area:***

Refers to an area that Council may choose to establish, near the western end of the community, for storage of motorized vehicles. This area would likely have designated stalls, which would be rented to community members for a fee. Each stall would likely have an impervious geotechnical liner in order to prevent groundwater contamination. See *Section 7: Parking*.

***Development:***

Means an Activity that causes:

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**CONSULTATION VERSION**

- a. a change in the use or intensity of use of any Settlement Land, a building or structure;
- b. the carrying out of any construction, excavation, erection, demolition, repair and similar alteration that takes place on, over and below Settlement Land; and
- c. the subdivision and severance of Settlement Land or a building.

***Development Approving Authority:***

Means the Council or the Director as the context requires.

***Discretionary Use:***

Means those uses of land, buildings or structures for which Grants or Permits may only be issued at the discretion of the Development Approval Authority following due consideration of the merits of the individual proposal. The proponent must demonstrate the use of a specific site within a particular zone is compatible with adjoining land uses, complies with the intent of the standards for operation in that zone, and is consistent with the Plan for the area.

***Duplex:***

Means a building that contains two dwelling units.

***Dwelling Unit***

Means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen, with a direct entrance to the open air or to a common hallway or corridor, without passing through any other dwelling unit, and used or capable of being occupied as a permanent residence for one family. Does NOT include recreational vehicles, tents, buses, travel trailers, or other vehicles.

- a. "SINGLE FAMILY" meaning a detached building containing one dwelling unit occupied by one household on one lot;
- b. "DUPLEX" meaning a building designed to accommodate two households living independently in separate dwelling units either side by side or above and below each other.
- c. "TOWNHOUSE" meaning a building designed to accommodate three or more separate dwelling units with one or more common party walls; each unit having individual and separate access to the dwelling unit at grade;
- d. "APARTMENT" meaning a building containing three or more dwelling units that share a common building entrance, internal hallway, stairs and other facilities such as laundry, garbage and common parking area.

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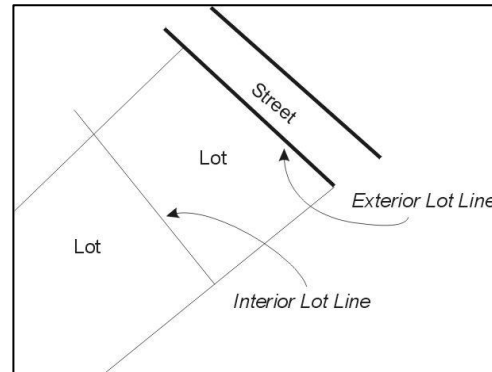
**CONSULTATION VERSION**

***Exterior Lot Line:***

Means the lot line or lines common to the parcel and an abutting roadway, other than the front line.

***Existing:***

Means physically existing as a building, structure or use as of the date of the passing of this bylaw.



***Fence:***

Means a structure used as an enclosure or screening around all or part of a lot or site, and shall include hedges and similar landscaping features.

***Finished Grade:***

Means the elevation of the surface of the ground at any point on the site of a completed development.

***Food Cache:***

Means the accessory storage of equipment, food, goods and/or materials in a heated or unheated building, structure, or pit.

***Front Lot Line:***

Means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting a street shall be considered a front lot line if the adjacent lots front on the same street. In the case of a through lot, the lot lines abutting two parallel or approximately parallel streets or the street and the waterway shall both be considered as front lot lines.

***Front Yard:***

Means the area between the primary structure and the front lot line.

***Frontage:***

Means that length of a parcel boundary, which abuts a highway along the front property line.

***Gross Floor Area:***

Means the total area of all floors of all the buildings on a lot, measured to the exterior walls of the building, including dwelling units, all areas giving access thereto, enclosed balconies, enclosed porches, elevator shafts, and accessory buildings, except those used for parking.

***Garage:***

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**CONSULTATION VERSION**

Means a detached accessory building or a portion of a principal building used solely for the parking or temporary storage of private motor vehicles and where there are no facilities for repairing or servicing of such vehicles.

***Guest House or Bachelor Home:***

Means a secondary and totally separate dwelling located on a lot as the long-term residence for the land owner, which may be used for guest accommodation or a bed & breakfast. Such a cottage must be built on a full and continuous foundation and must comply with all relevant requirements and standards of the National Building Code of Canada. A guest house may contain cooking facilities and may only exist as an accessory building to principal dwelling.

***Health Services Facility:***

Means any facility intended to provide medical or dental services, including dental offices and doctor's clinics.

***Home-Based Business:***

Means an occupation, business, craft, or profession conducted for revenue generation, which is carried on as an *accessory use* in a *dwelling unit* or *accessory building* to the *dwelling unit* and which generates little or no traffic, noise or impact upon the nature of a residential *dwelling*.

***Hotel:***

Means a building or group of buildings providing three or more separate sleeping units with separate entrances to a common hallway or walkway. A hotel is intended to be occupied primarily by the traveling public, and may include cooking facilities, indoor and outdoor recreation facilities, restaurants and a pub/lounge.

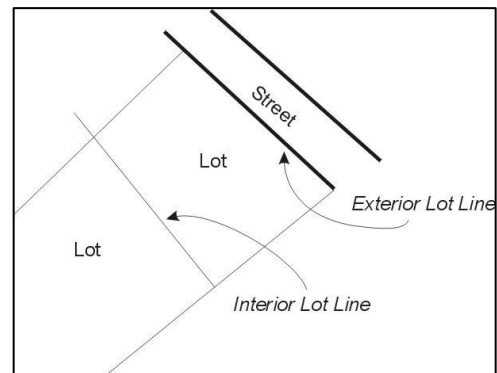
***Interior Lot Line:***

Means the lot or lines common to the parcel and another parcel or lane, provided that such a line is not already designated as a rear lot line.

***Landscaping:***

Means any combination of trees, bushes, plants, flowers, lawns, bark mulch, decorative boulders and gravel, decorative paving, planters, foundations, sculptures, fences, and the like arranged and maintained so as to enhance the appearance of a property, or where necessary, to effectively screen a lot, site or storage yard. Landscaping does not include parking areas, sidewalks, and uncleared undergrowth or weed growth.

***Land Treatment Facility:***



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**CONSULTATION VERSION**

Means a facility designed and operated for the purpose of restoring and rehabilitating contaminated soil, sediment, snow or other similar material.

***Lane:***

Means a road that affords only a secondary means of access to a parcel of land.

***Light Industry:***

Means the use of land, buildings or structures for manufacturing, wholesale trade, warehousing, servicing and maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops and retail sales accessory to the principal use. For clarity, this land use is not closely associated with oil & gas or mineral exploration logistics, and is associated with the construction of significant factory and warehouse buildings.

***Lot:***

Means the same as a parcel. The words 'lot' and 'parcel', in the context of this bylaw, are used inter-changeably.

***Lot Area:***

Means the total horizontal area within the boundaries of a lot.

***Lot Line:***

Means the legally defined line or lines bounding any parcel.

***Lot Line, Front:***

- a. In the case of an interior lot, a line separating the lot from the street;
- b. In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; or
- c. In the case of a lot extending between two parallel streets, the front lot line shall be determined by prior common practice in the area.

***Lot Line, Rear:***

Means the lot line opposite to, and most distant from, the front lot line

***Lot Line, Side:***

Means any lot boundary line not a front or rear lot line.

***Lot, Corner:***

Means a lot situated at the intersection of two or more streets, or a lot that has two adjoining boundaries abutting a street.

***Minor Agricultural Pursuit:***

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**CONSULTATION VERSION**

Means agricultural activity conducted at a scale that is accessory to the principal use of the zone in which it is located such as the keeping of animals for personal use and includes market gardening and nurseries but not commercial kennels and stables.

***Mixed Use Development:***

Means a building designed as a single unit containing a mixture of commercial, residential floor space and the amenities associated with such uses.

***Modular Home:***

Means a dwelling unit built in sections at a factory. The sections are transported to the building site to be joined together. They must conform to the *Regulations Respecting Mobile and Manufactured Homes and Relocatable Industrial Accommodation*, O.I.C. 1985/147, and have a label to show they were built in a certified factory. Modular homes are not to exceed 5 years of age at the time of Permit application.

***Multiple Family Dwelling:***

Means a building or buildings containing three or more dwelling units on a parcel and includes row housing, townhouses, and apartment uses.

***Natural Resource Extraction:***

Includes the extraction, processing, removal and off-site sale of Minerals, Specified Substances, Timber, groundwater, or other similar natural materials.

***Nuisance:***

Means an activity or use that endangers personal or community health or safety and includes uses or activities that are out of character with the zone in which they are situated resulting in noise, dust, odour, the excessive accumulation of junk or similar impacts that affect the use and enjoyment of neighbouring properties.

***Office:***

Means the occupancy or use of a building for the purpose of carrying out business, financial or professional activities, and includes accessory retail;

***Open Space:***

Means that portion of a lot not occupied by buildings, accessible to, and suitable for gardens, landscaping, and recreational use by building tenants or residents.

***Owner:***

Means the person, persons, or corporation who has by law, the management, control or custody of the lot or use.

***Parcel:***

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**CONSULTATION VERSION**

Means the smallest area of land, which is registered or shown on record.

***Park:***

Means any public outdoor area or lot set aside specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, greenbelts, buffer strips, nature interpretation, environmental protection areas, and similar land uses.

***Party Wall:***

Means a wall jointly owned and erected upon the property line between two lots.

***Patio:***

Means any solid structure meant for support of people or materials out of doors and less than 0.6 m in height.

***Place of Worship:***

Means a building, including a church, used by any religious organization for worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include, but not be limited to, an assembly hall, auditorium, rectory, day nursery and educational or recreational uses.

***Permafrost Layer:***

Means the level beneath the surface at which the ground is permanently frozen.

***Permitted Use:***

Means those uses of land or a building identified in the land use zones in this bylaw for which a Permit shall be issued on submission of an application provided the application is complete and meets all the requirements of the Zoning Bylaw applicable to such uses.

***Premises:***

Means an area of land, including a lot or parcel of land with or without buildings.

***Primary Structure:***

Means the structure on a property that is both the largest structure on the lot and fulfils the primary use or uses of the lot.

***Principal Use:*** Means the main purpose for which land, buildings or structures are ordinarily used.

***Public Assembly Use:***

Means the use of land, buildings or structures to accommodate exhibits, special events, or meetings and includes an auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre, and senior citizens complex.

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**CONSULTATION VERSION**

***Public Utilities:***

Means infrastructure owned or operated by, or for the Vuntut Gwitchin Government, to provide the community with services such as the storage and provision of potable water, disposal of garbage storm water and sewage, transmission of energy, and delivery of telecommunications.

***Rear Lot Line:***

Means the lot line furthest from, and opposite to, the front lot line.

***Rear Yard:***

Means the area between the primary structure and the rear lot line.

***Regulation:***

Means any of the general development, specific use, sign and any other regulation contained in any zone of this bylaw.

***Residential:***

Means the occupancy or use of a building or part thereof as a dwelling unit, as a residence of a person or family who intend to return when absent, and excludes vacation rental and other temporary accommodation uses.

***Retail Store:***

Means a premise used for the purposes of selling commodities to the general public for personal or household consumption.

***Secondary Suite***

Means an *accessory dwelling unit* not exceeding 90m<sup>2</sup> in floor area, capable of being occupied year round with living facilities, including provision for sleeping, cooking, sanitation, food storage and preparation, contained within a *single family dwelling*;

***Secondary Uses:***

Means those uses that must be in conjunction with a principal use and require development approval as a separate use unless otherwise exempted from a Permit by this bylaw. For example, a home-based business would be a secondary use in a residential zone, not a principal use, whereas a garden shed would be an accessory use to the single family residence containing the home-based business.

***Setback:***

Means the required minimum distance between a building, use or natural boundary and each of the respective property lines taken from the exterior wall of a building.

***Side Yard:***

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**CONSULTATION VERSION**

Means the area between the primary structure and the interior or exterior lot line.

***Single Family Dwelling:***

Means a detached residential building consisting of one dwelling, which is occupied or intended to be occupied as a residence of one family. It may contain a bed and breakfast accommodation.

***Sign:***

Means any lettering, words, picture, logos, or symbols that identify, describe, illustrate, or advertise a product, place, activity, business, service, or institution. A sign includes banners, placards, and painted messages, but not flags, and interior window displays. Murals or other works of art that do not include a commercial message are not considered signs.

***Storage or Wrecking Yard:***

Means land or buildings used for an automobile wrecking yard or premises, the keeping and/or storing, of used building products, waste paper, rags, bottles, bicycles, automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, or handled for further use. See *Designated Vehicle Storage Area*.

***Temporary:***

Means a use or development established for a fixed period of time with the intent to discontinue the activity upon the expiration of the time period. Temporary uses may include fairs, special events, use of land for storage of materials or equipment or a site office while construction work is in progress. Unless stated otherwise in the Permit, temporary means a period less than 4 consecutive weeks.

***Townhouse:***

Means the residential use of a building or buildings, which contains three or more dwelling units, with each dwelling unit having its principal access from a separate ground-oriented access.

***Use:***

Means the purposes for which land or a building is arranged or intended to be used, or for which either land or building is, or may be, occupied and maintained.

***Variance:***

Means a legal process whereby Council may authorize a development or Activity not authorized in this bylaw.

***Veterinary Clinic:***

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**CONSULTATION VERSION**

Means those premises where pets, animals, and birds are treated and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian.

***Water Setback:***

Means the horizontal distance between the side lot lines of a waterfront lot measured at right angles from the ordinary high water mark (OHWM) of a watercourse, such as a river, lake or wetland.

***Warehouse:***

Means a building other than a wholesale or retail store, used exclusively for the internal storage of goods and material.

***Wrecked Vehicle or Derelict Vehicle***

Means a vehicle, including automobiles, snowmobiles, and ATVs that has not been in use for six (6) months, is unlicensed and not roadworthy in its present condition without visible signs of effort to restore it to running order. See *Designated Vehicle Storage Area*.

***Yard:***

Means that portion of a lot that is defined by the minimum setback requirements.

***Zone:***

Means an area established under this bylaw and any amendments thereto.

***Zoning Map:***

Means the Schedule B map that delineates the boundaries of the zones set out in this bylaw.

## 6.0 GENERAL REGULATIONS

### 6.1. Applicability

Except as otherwise specified in this bylaw, this section applies to all zones established under this bylaw.

### 6.2. New Construction

- a. For any lot line fronting another lot that is not zoned OS, 6.5 metre minimum setbacks from the interior side lot line are mandatory, for ALL new primary building construction.
- b. ALL new structures will be a minimum 10m from existing structures.
- c. Steel, brick, concrete, or other fire-retardant material WILL be utilized on sides of the building facing other buildings if a 10m setback cannot be realized.
- d. ALL works and changes in use in Old Crow as referred to in this Bylaw shall comply in all respects with the provisions of the *Building Standards Act*.
- e. Excavation of aggregate, stone or soil will not be authorized in any zone unless a geotechnical report is first prepared by a qualified geotechnical engineer, and a Permit is issued by Vuntut Gwitchin Government which considers such conditions as deemed appropriate with due regard for location, type and manner of excavation, and subsequent site reclamation.
- f. Although in general a minimal disturbance to native mature vegetation will be authorized in new construction areas, in all cases except egress, two to three metres minimum of native old growth vegetation must be left around the perimeter of all greenfield lots.
- g. The bottom of new buildings must be at minimum elevation of 246.5 metres ASL, in order to minimize damage from future floods.

### 6.3. Aerodrome Overlay

ALL areas are within the airport overlay and MUST adhere to section 5.5 of the *Aeronautics Act*, R.S.C., 1985, c. A-2. These Regulations apply to all land, including a public road allowance, which is adjacent to or in the vicinity of the airport, which land is more particularly described as per the zoning schedule.

No person shall erect or construct on any land to which these Regulations apply, any building, structure or object or any addition to any existing building, structure or object, the highest point of which will exceed in elevation at the location of that point.

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**March 2020**

### **CONSULTATION VERSION**

All vegetation is similarly subject to height trimming in order to adhere to the *Aeronautics Act*.

This height restriction, at the time of writing, is calculated by establishing a 1:7 slope from a line 45 metres from, and parallel to, each side the centerline of the runway, measured horizontally at right angles to the centre line and projected centre line of the strip, extending upward and outward from the lateral limits of the strip and its approach surfaces to an intersection with the outer surface. The elevation of the centerline is considered to be 246.7m ESL. To this is added a 1:40 slope, measured horizontally at 12.5 degrees to both ends of the runway surface measured from the corner of the runway strip, extending upward and outward from the lateral limits of the strip and its approach surfaces to an intersection with the outer surface.

Where the 1:7 and 1:40 slopes meet, the 1:40 slope shall prevail. A map showing the application of the *Aerodrome Regulations* to Old Crow in 2013 has been prepared and is held by Vuntut Gwitchin Government.

Changes to the *Aeronautics Act* will automatically carry forward to this Bylaw.

If the Governments of Yukon or of Canada choose to change the height and obstacle clearance restrictions affecting lands in the vicinity of Old Crow airport at some future date, then a person applying for a Permit or change of use after the date on which the regulation takes effect, must comply with those restrictions and they shall take precedence over this bylaw.

#### **6.4. Permafrost**

ALL areas outside of the existing development zones must have geotechnical approval prior to construction.

ALL new heated construction must be stamped by a professional civil engineer to show that heat intrusion into the permafrost layer will not occur due to the development.

#### **6.5. Bulk Fuel Storage**

Notwithstanding recommendations from professional fuel storage specialists, bulk fuel storage shall in all cases be as far from residential or commercial areas as possible, and never within 250m.

In the commercial zones, service station use will require that:

- a. Gasoline service pumps or pump islands must be located not closer than 4.5m to any property line.
- b. All servicing and servicing equipment, other than that normally carried out on a pump island, must be located on a site that is ground impermeable.

## **6.6. Location and Siting of Buildings**

- a. No principal building shall be located in any required front, side or rear yard.
- b. No accessory building shall be located in any required front, side or rear yard, except as provided in the “Setback Exceptions” of this bylaw.
- c. Air intakes on buildings may not be placed on the northeast side of the building, due to the likelihood of being iced over during winter winds.
- d. All new buildings shall take into consideration solar orientation, so the south and southwest facing sides of the building must have larger windows, to capture solar heat.
- e. New buildings must have double-door main entries, with an unheated weatherproof area between the two doors large enough that a person may completely close one door before opening the second.
- f. Wherever a lot can be accessed from a side road, it must be. Direct connection from a building onto an arterial road (as defined in the community plan) shall only occur if the lot does not border on a side road.

## **6.7. Relocation of Buildings and Structures**

- a. No person shall move a building, structure or a non-CSA approved mobile home off or onto a lot without obtaining a Permit.
- b. Any relocated building or structure must be brought up to current National Building Code of Canada standards upon relocation.

## **6.8. Land Filling**

Where a proposed development involves land filling, the Director may require the applicant to submit a drainage plan endorsed by an engineer registered in the Yukon and include provision for drainage easements in the proposed development.

## **6.9. Parks, Greenbelts and Environmental Reserves**

- a. Parks, greenbelts and environmental reserve lands may be located in any zone.

- b. Developments such as docks, municipal works (e.g. water intakes and sewer outfalls, irrigation lines), lands within 30 m of the ordinary high water mark (OHWM) of the Porcupine River, wetlands, and ponds will be left in their natural state to the extent possible.

## **6.10. Setback Exceptions**

No features shall project into the setback required by this bylaw, except the following:

- a. Steps, eaves and gutters, cornices, sills, belt courses, bay windows, pop outs, chimneys, or other similar features may project no more than 1.5m into a setback;  
provided that
  - i. the foundations or supports do not project into the required side yard, front yard or rear yard;
  - ii. the bay window, pop out, chimney or other feature does not comprise more than 20% of the area of the exterior wall in which it is located; and
  - iii. the projection does not result in more than 7.5m<sup>2</sup> of building floor area extending into the required side yard, front yard or rear yard;
- b. Accessory buildings, limited in gross floor area as per zone-specific regulations in section 9;
- c. Open porches, decks and canopies, provided that such projections do not exceed 50% of the width of a required side yard or rear yard;
- d. Balconies and sun shades, provided that such projections do not exceed 1.5m or 50% of the width of a required side yard; or
- e. A patio that may be open or enclosed, in any yard in an R zone subject to the limitation for fence height as specified in this bylaw.

Where a common wall shared by two or more dwellings within a building for residential use, commercial use, or industrial use coincides with an interior side parcel line of a parcel or of a strata parcel shown on a registered strata plan, the setbacks for the principal building specified in this bylaw with respect to the side parcel line shall not apply.

## **6.11. Height Exceptions**

Notwithstanding height restrictions relating to Old Crow Airport which apply to all features, the maximum height regulations of this bylaw do not apply to the following:

- a. chimney, smoke stack;

- b. dome, cupola;
- c. hose and fire alarm tower;
- d. industrial cranes;
- e. mechanical appurtenance on rooftops, including satellite dishes or other telecommunications apparatus used for domestic or commercial purposes;
- f. monument, sculpture;
- g. pole, flood light;
- h. radio and television tower or antenna;
- i. spire, steeple, belfry;
- j. transmission tower; and
- k. water tanks.

## **6.12. Parcel Area and Width**

The parcel area and parcel width requirements of this bylaw will not apply to any parcel which has an area or width less than that required by this bylaw if such a parcel was described on the official records on file in the Land Registry Office on or before the effective date of this bylaw.

Allocation of lots, and choice of buildings on lots, shall take into consideration the size of lot vis-à-vis the size of the building to be constructed. In general, 15-20% primary building coverage on a greenfield lot is considered an appropriate goal.

## **6.13. Public Utilities**

Facilities for transmission of electrical power, telephone, natural gas, cable television and other similar services (but not including electrical substations) are authorized in all zones and individual parcels for the facilities are exempt from minimum parcel area requirements.

## **6.14. Accessory Buildings**

No accessory building, structure or use shall be authorized on any parcel unless the principal building to which the building, structure or use is an accessory has been erected or will be erected simultaneously with the accessory building, structure or use.

Two (2) parcels may not be joined together at rear parcel lines in an R zone for the purpose of using one parcel for an accessory building.

Other regulations on accessory buildings are located in the sections relating to particular zone types.

### **6.15. Home-Based Business**

A home-based business is subject to the following regulations:

- a. A home-based business must be licensed by Vuntut Gwitchin Government for the dwellings where they are carried on.
- b. A home-based business is an accessory use that must only be conducted within the principal single-detached dwelling and within up to one accessory building.
- c. A home-based business must not occupy more than 25% of the floor area of the principal building or 75 m<sup>2</sup>, whichever is less, and in no case will the combined area of the principal building used for the business and an accessory building used for the business exceed 75 m<sup>2</sup>.
- d. The home-based business must not be operated in a manner that routinely generates more than five client visits at any one time.
- e. No more than one person in addition to the residents of the principal residence where the standard home-based business is being operated must work on the parcel in which the stand home-based business is located.
- f. A home-based business:
  - i. Must not create a hazardous or dangerous condition for the neighbourhood or the environment;
  - ii. Must not generate sound from machinery at the parcel line of the parcel on which the home-based business is located;
  - iii. Must not produce odour, smoke or dust;
  - iv. Must not produce interference with radio, television, telephone or other electronic or communications device, where the interference is detectable on such an electronic or communications device located beyond the parcel line of the parcel on which the home occupation is located; and
  - v. Must not be authorized to have a commercial vehicle exceeding 5 tonnes (11,000 lbs) gross vehicle weight, located outside of an unenclosed building.
  - vi. A home-based business is not authorized to utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures.

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- vii. A home-based business that requires delivery of materials or commodities in bulk quantity to and from the residence by commercial vehicles or trailers shall not be authorized.
- viii. No home-based business shall be conducted between the hours of 9:00 pm and 8:00 am.
- g. Subject to Item 13 below, a home-based business includes the following:
  - i. office of a professional person;
  - ii. office or studio of an artist, draftsman, barber, beautician, naturopath, massage therapist, chiropractor, picture framer, tailor, dressmaker, music or dance teacher, photographer, writer, or of persons engaged in home crafts or hobbies;
  - iii. locksmiths and electronic instrument repair;
  - iv. keeping not more than 2 boarders;
  - v. operation of a daycare or pre-school for not more than 8 preschool or school-aged children;
  - vi. welding shop;
  - vii. carpentry shop;
  - viii. micro-scale food preparation and retail sales
  - ix. metal working shop; and,
  - x. small-scale automotive repair.
- h. No exterior storage of materials associated with the standard home-based business will be authorized.
- i. Retail sales must not be authorized in a standard home-based business except for:
  - i. products incidental to a service being provided;
  - ii. mail order sales;
  - iii. telephone sales or sales where the customer does not enter the premises to inspect or pick up goods;
  - iv. direct distributorships where customers do not enter the premises to inspect, purchase or pick up goods;
  - v. products produced on site; and
  - vi. a Bed and Breakfast.
- j. A home-based business use must not include:

- i. repair and painting of larger vehicles, trailers, boats, commercial equipment and industrial equipment; or
- ii. spray painting or spray coating operations.

### **6.16. Bed and Breakfast**

A bed and breakfast accommodation is subject to the following regulations:

- a. A bed and breakfast accommodation must be an accessory use;
- b. No more than 2 guest rooms are authorized in a bed and breakfast accommodation.
- c. No guest room in the bed and breakfast accommodation must have an area of more than 30m<sup>2</sup>; a separate or ensuite washroom are not included as part of the area of the guest room.
- d. No exterior evidence of the bed and breakfast accommodation must be visible from outside the parcel on which the bed and breakfast accommodation is located, except for an authorized sign and the required parking.
- e. Signs for a bed and breakfast must be tasteful and modest in character.
- f. One parking space per guest room is required in addition to those required for the principal dwelling.

### **6.17. Secondary Suites**

Secondary suites must comply with the following regulations:

- a. No more than one secondary suite is authorized per principal single-detached dwelling. The secondary suite is authorized within the single detached dwelling or within an accessory building on the same parcel as a single-detached dwelling.
- b. A secondary suite is not authorized within a duplex, on a parcel containing a duplex, or within an accessory building on the same parcel as a duplex.
- c. A secondary suite is not authorized in conjunction with the keeping of boarders or the operation of a bed and breakfast.
- d. The maximum floor area of a secondary suite must not exceed the lesser of 90m<sup>2</sup>, or 40% of the gross floor area of the principal building.
- e. One parking space must be provided on the parcel for the secondary suite.
- f. A secondary dwelling unit shall be located in buildings and on a parcel which forms a single real estate entity. No strata titling is authorized.

- g. The principal single-detached dwelling on the parcel containing the secondary suite must be occupied by the owner of the principal single detached dwelling.

## **6.18. Garages**

In a residential zone, the following regulations apply to attached garages:

- a. The attached garage must not exceed the height of the dwelling to which it is attached.
- b. The parcel coverage of the attached garage must not exceed the parcel coverage of the dwelling to which it is attached.
- c. The parcel coverage of the dwelling and the attached garage combined with any other forms of parcel coverage must not exceed the maximum parcel coverage for the zone in which they are located.
- d. The attached garage must meet the setback requirements for the principal building.

## **6.19. Accessibility**

All developments larger than 500m<sup>2</sup> in the commercial and residential zones, shall make provision for access and mobility by the elderly, the disabled, and the handicapped.

## **6.20. Screening and Landscaping Requirements for Existing Development**

- a. No area of forested land larger than 100m<sup>2</sup> may be cleared without a special Permit issued by Vuntut Gwitchin Government.
- b. For the C, P, I and R zones, outdoor garbage bins and outdoor storage must be maintained in a tidy and orderly state.
- c. During the period a Building Permit is in effect, temporary storage of building materials shall be authorized in any yard of any lot, in all zones.
- d. Wherever possible, long term storage of garden equipment, boats, trailers, campers or similar recreational equipment, fuel wood and other such goods normally associated with the enjoyment of residential property shall only be authorized in the rear and interior side yards of any lot in a residential zone.
- e. In any residential zone, no person shall keep, store or allow to accumulate outside and unscreened, any objects, vehicles, chattels, goods or materials for a period of sixty (60) days or more, which, in the opinion of Development Approval Authority, are unsightly, out of character with the residential

character of the zone, or by their nature and location, diminish the reasonable use and enjoyment of neighbouring properties.

- f. No person shall allow to accumulate, stockpile, keep or store on any lot, or in any building or structure, rubbish, building materials, fluids, machinery or other goods and chattels in such quantities that, in the opinion of the Director or an Inspector, they pose a potential fire risk, nuisance or hazard to the physical health and safety of adjoining property owners or the public at large.

### **6.21. Minor Agricultural Pursuits, Kennels and Stables**

- a. Minor agricultural pursuits includes the raising of animals or fowl for personal consumption and similar activities shall not interfere with the use and enjoyment of neighbouring properties.
- b. In reviewing an application for a kennel, stable or minor agricultural use, the Development Approval Authority may impose such additional conditions with respect to the placement of buildings, erection of fences, manner of waste disposal and numbers housed to ensure the development is compatible with abutting land uses and does not create a nuisance.
- c. All dog mushing operations involving dog yards containing six (6) or more animals are restricted to leases in the Open Space zone (OS) or by special permission by the Development Approval Authority with reasons.

### **6.22. Vision Clearance Requirements at Intersections**

No fence, wall, structure, hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance at intersections within the community.

### **6.23. Regulations Concerning Fences**

- a. The height of a fence or wall shall be determined by a measurement from the grade level.
- b. Subject to the vision clearance provisions of these regulations, the following height limitations shall apply to fences, walls, or hedges:
  - i. in Industrial zones, fences or hedges no greater than 2.4m in height may be located on any lot to the rear of a required front yard;
  - ii. in Residential zones, fences or walls not greater than 2m in height may be located on the rear or sides of any lot, while fences not greater than

1m (non-visible material or 1.5m for see-through materials, may be located in a front yard); and

- iii. in Residential zones, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot lines shall not be greater than the height authorized on the side line of an adjoining lot at the point of abutment.
- c. Height limitations in subsection (b) shall not apply to open mesh or chain-link fences erected on cemetery, public playground, park and open space, playfield, or elementary, and in Industrial zones. In these cases, no such fence shall exceed the height of 4.0m.
- d. Barbed wire shall not be used in any fencing in any zone.

## **7.0 AETHETICS AND DESIGN**

This section is not legally binding but lists factors strongly encouraged.

### **7.1. Accessibility**

Use of elements that accommodate those residents and visitors with visual impairments or those who use mobility aides is strongly encouraged.

### **7.2. Sustainable Design**

- a. Where possible and within the existing block pattern, new buildings should be designed (oriented and sited) to take maximum advantage of passive solar energy.
- b. Where feasible, reuse of local materials or materials retrieved from older buildings, or environmentally sourced materials is encouraged both inside and outside of the building.
- c. Natural ventilation for buildings should be utilized as much as possible and energy efficient windows should be installed.
- d. Rooflines and water systems in all new buildings should be built ready to accept photovoltaic water heating and electric power systems.
- e. These factors should be considered in all new development plans:
  - i. composting toilets;
  - ii. brownwater re-use systems;
  - iii. LEED or R2000 certification;

- iv. a requirement for work-live spaces;
- v. water conservation features; and
- vi. energy conservation features.

### **7.3. Lighting**

Encourage minimal over-spill illumination of any adjacent residential properties or green spaces. All lighting should be designed to minimize the effect of lighting the night sky as light pollution.

### **7.4. Amenities**

- a. Public amenities (such as landscaping, public art, or material treatments) at the street level may be required in commercial, mixed use, and multi-family developments.
- b. Every opportunity for inclusion of soft landscaping should be explored as options for softening building facades, framing doorways, parking lot islands, berming and ground covers.
- c. Inclusion of child-friendly areas in new developments is encouraged.

## **8.0 PARKING**

*Council may choose, by resolution, to delay enforcement of Section 8.0 until such time as a suitable storage or wrecking yard has been established in industrial areas, with suitable protections installations against groundwater contamination.*

- a. No person shall park or store a commercial vehicle or truck, construction equipment or dismantled or wrecked vehicle in the out of doors
- b. Notwithstanding subsection (a) above, a person may store the following on an individual parcel in a residential zone:
  - i. one truck or commercial vehicle not exceeding four (4) tonnes rated capacity;
  - ii. trucks, commercial vehicles, or equipment required for the construction, repair, and servicing or maintenance of the premises;
  - iii. any dismantled or wrecked vehicle for a period of not more than six (6) consecutive months; and
  - iv. one vacation trailer or camper.

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- c. Vehicles, trucks, trailers, or equipment authorized under subsection (b) above shall not be stored in any setback area other than a rear parcel line setback in the residential zones.
- d. No parcel, except for a common parcel which may be designated by Council, shall be used as a storage or wrecking yard for derelict vehicles or as a junkyard, and any vehicle which has not been licensed for a period of one (1) year and which is not housed in a garage or carport is deemed to be a derelict vehicle, and be removed by Vuntut Gwitchin Government.

## 9.0 ESTABLISHMENT OF ZONES

- a. The area within the boundaries of Old Crow is hereby divided into the following zones:

<b>Zone</b>	<b>Description</b>
R	Residential
C	Commercial
I & I-L	Industrial & Light Industrial
G	Government/Public Institutional
OS	Recreation/Open Space/ Parks/Traditional Economy/Cultural Activities
T	Airport/Transportation
WM	Waste Management
FD-RC	Future Residential or Commercial Development
FD-G	Future Institutional or Government Development
FD-I	Future Industrial Development

- b. The boundaries of those zones are shown on the Zoning Map, which are included in Schedule B to this bylaw.
- c. Any lands within the Old Crow community boundary that are not identified on the Zoning Map as having a specific zoning designation shall be included in the Recreation/Open Space (OS) Zone.
- d. Zoning designations may be applied to other areas of Settlement Land by the addition of Zoning Maps to Schedule B.

### 9.1. ZONE R –RESIDENTIAL

#### 9.1.1. *Authorized Uses*

The following uses and no others are authorized on each parcel in an R zone:

- a. single family dwelling, duplex, triplex, or fourplex\*;
- b. multiple family dwelling;
- c. one (1) home-based business per dwelling unit (see Sec. 6.15);
- d. modular home;

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- e. accessory building/structures;
- f. one (1) food cache per dwelling unit;
- g. parks and playgrounds; and
- h. minor agricultural pursuits excluding animal husbandry.

NOTE that the size and shape of the lot, will determine the ideal size and configuration of residences to be contained therein.

**9.1.2. *Discretionary Uses***

The following uses and no others may be considered on each parcel in a R zone:

- a. bed and breakfast;
- b. home-based business;
- c. daycare;
- d. secondary suites;
- e. duplex dwelling;
- f. multiple food caches per dwelling unit;
- g. minor agricultural pursuits involving animal husbandry; and
- h. guest house if lot size is adequate to maintain 13m from all other buildings and setback lines.

For clarity, a manufactured or mobile home is not authorized in Old Crow. Also, any modular home or other home to be placed on a R zone must be less than five years old at the date of installation.

If a duplex, triplex, or fourplex is built on a R lot, all units shall have an entrance facing the front lot line.

Dog yard is a discretionary usage to be determined by the Development Approval Authority on a case-by-case basis.

Food caches shall be relegated to the back yard unless special allowance is granted by the Development Approval Authority.

Surface treatments should be made so as to prevent the pooling and stagnation of water on property.

**9.1.3. *Regulations***

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On a parcel located in an area zoned as R, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

**ZONE R (RESIDENTIAL) REGULATIONS**

Maximum number of dwellings per lot	2 per parcel
Minimum parcel size	20m road frontage by 20m depth. Where oddly-shaped lots must be created, no parcel shall be less than 500m <sup>2</sup> .
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed forty percent (40%) of the parcel area.
On any parcel in an “R” Zone, the total combined gross floor area of accessory buildings and access structures shall not exceed 70m <sup>2</sup> per dwelling.	
Maximum <i>primary</i> building height	11m or 3 storeys
Maximum <i>accessory</i> building height	5 m
Width of primary building	Minimum width of 5m.
Minimum setback of principal building from:	
front parcel line	3.5m
interior side parcel line	6m
exterior side parcel line	3.5m
rear parcel line	4m
Any lot line facing an OS lot	1.5m
Minimum setback of accessory building from:	
front parcel line	3.5m
interior side parcel line	1.5m
exterior side parcel line	2m
rear parcel line	1.5m
Any lot line facing an OS lot	0.5m
Minimum unit sizes in a multi-family building, guest house, or secondary suite	
Bachelor home	37m <sup>2</sup>
1-Bedroom	46m <sup>2</sup>
2-Bedroom	60m <sup>2</sup>
3-Bedroom	80m <sup>2</sup>
Maximum lot size for primary building type (this section prevents construction of small buildings on larger lots)	
Bachelor home	400m <sup>2</sup>
1-Bedroom	1000m <sup>2</sup>
2-Bedroom	1500m <sup>2</sup>
3-Bedroom	No limit

Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.

## 9.2. ZONE C – COMMERCIAL

### 9.2.1. *Authorized Uses*

The following uses and no others are authorized on each parcel in a C1 zone:

#### *On the FIRST storey:*

- |                                    |                              |
|------------------------------------|------------------------------|
| a. amusement arcade or games room; | i. health services facility; |
| b. automobile services;            | j. hotel;                    |
| c. coffee shop;                    | k. restaurant;               |
| d. convenience store;              | l. produce market;           |
| e. commercial entertainment;       | m. retail store;             |
| f. food catering facility;         | n. service station;          |
| g. financial institution;          | o. taxidermy shop; and       |
| h. grocery store;                  | p. fitness centre.           |

#### *On the SECOND or THIRD storey (if applicable):*

- |                              |                         |
|------------------------------|-------------------------|
| a. business services;        | g. public assembly use; |
| b. health services facility; | h. private school;      |
| c. theatre;                  | i. motel;               |
| d. hotel;                    | j. office;              |
| e. restaurant;               | k. staff housing; and   |
| f. place of worship;         | l. fitness centre.      |

Accessory buildings are authorized if lot size is adequate.

### 9.2.2. *Discretionary Uses*

The following uses and no others may be considered on each parcel in a C zone:

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- a. home occupation;
- b. bed and breakfast;
- c. seniors' residence;
- d. health services facility;
- e. daycare;
- f. multiple food caches per dwelling unit.

**9.2.3. Regulations**

On a parcel located in an area zoned as C, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

**ZONE C (COMMERCIAL) REGULATIONS**

Minimum number of dwellings per parcel	0
Minimum parcel size	20m road frontage by 20m depth. Where oddly-shaped lots must be created, no parcel shall be less than 500m <sup>2</sup> .
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed fifty percent (50%) of the parcel area.
Maximum <i>primary</i> building height	20m <u>or</u> 4 storeys
Maximum <i>accessory</i> building height	8.5m
Minimum setback of principal building from:	
interior side parcel line	6.5m
exterior side parcel line	3m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	7m
Minimum setback of accessory building from:	
front parcel line	6.5m
interior side parcel line	3m
exterior side parcel line	3m
rear parcel line	6.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	

### 9.3. ZONE I& I-L – INDUSTRIAL & LIGHT INDUSTRIAL

To provide a zone to accommodate a range of industrial uses involving the manufacture, assembly, distribution, service, repair and storage of materials

#### 9.3.1. *Authorized Uses: Light Industrial*

The following uses and no others are authorized on each parcel in an I-L zone:

- a. veterinary clinic or kennel;
- b. automobile services;
- c. commercial storage and warehousing facilities;
- d. indoor manufacturing and assembly;
- e. public utilities;
- f. ambulance or fire station;
- g. miscellaneous light industry, including plumbing, sheet metal workshop, welding shop, electronic equipment manufacturing and assembly shop, furniture manufacturing, storage and repair, automotive sales centre, and woodworking shop;
- h. retail ONLY where the area used for retail sales is 20% or less of the total building area and/or lot area, whichever is less, AND where 60% or more of the retail area is used to sell products created on the same lot;
- i. parking facilities;
- j. housing for temporary or transient staff;
- k. mini-storage, including frozen food locker;
- l. warehouse and wholesale establishment; and
- m. commercial-sized solar panels.

Accessory buildings and structures are authorized.

#### 9.3.2. *Authorized Uses: Industrial*

The following uses and no others are authorized on each parcel in an I zone:

- a. all uses authorized in an I-L zone, in addition to:
- b. building supply and lumber yard;
- c. bulk outdoor storage including aggregate materials and forest products;
- d. heavy equipment sales and services;

- e. mining and wood processing facilities;
- f. bulk fuel storage;
- g. tire shop, retreading and rebuilding;
- h. primary processing;
- i. oil and gas support services;
- j. heavy equipment display;
- k. general contractor services;
- l. windmills;
- m. outdoor sales; and
- n. land treatment facility.

### ***9.3.3. Discretionary Uses***

The following uses and no others may be considered on each parcel in an I zone:

- a. Natural resource extraction; and
- b. Storage or wrecking yard, derelict vehicle storage area, scrap yard, or junkyard.

Before the Development Approval Authority approves such a land use, it must be confident that the terms and conditions of the Grant or Permit include an adequately detailed plan to protect groundwater, and adequate monitoring and enforcement will be undertaken.

### ***9.3.4. Regulations***

- a. All areas of fuel transfer or storage, including fueling of large machines or vehicles, must have a buried impervious liner placed under the area, and be bermed in such a way that normal fuel spills will be contained. “Normal” is defined as a spill that would be equal in volume to the size of fuel tanks that are normally used on-site.
- b. Where the proposed industrial development by its nature, may generate noise, dust, significant traffic generation or poses a potential environmental risk by virtue of the equipment and goods stored onsite or the nature of the manufacturing process used, the Development Approval Authority may impose such additional conditions as it deems appropriate to ensure the impact of such uses are minimized and do not restrict or unduly constrain the operation of adjacent businesses.
- c. No accessory building or secondary uses will be authorized until the principal building is under construction.

- d. The Development Approval Authority may impose such temporal and use conditions as are necessary to ensure the proposed development does not limit future development options
- e. The Development Approval Authority may require an applicant to enter into a Benefits and Stewardship Agreement for any proposed use within this zone to limit encumbrances to the future planning and orderly development of these lands.
- f. Applications for natural resource extraction shall include a land reclamation plan that identifies the intended future land use after reclamation.

### ZONE I (INDUSTRIAL) REGULATIONS

Minimum parcel size	900m <sup>2</sup>
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed ninety percent (90%) of the parcel area.
Maximum <i>primary</i> building height	15m
Maximum <i>accessory</i> building height	8.5m
Minimum setback of principal building from:	
front parcel line	6.5m
interior side parcel line	6.5m
exterior side parcel line	6.5m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	6.5m
rear parcel line, where a rear property line adjoins a residential zone	6.5m
Minimum setback of accessory building from:	
front parcel line	6.5m
interior side parcel line	6.5m
exterior side parcel line	6.5m
rear parcel line	6.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	

## 9.4. ZONE G – GOVERNMENT/ PUBLIC INSTITUTIONAL

### 9.4.1. *Authorized Uses*

The following uses and no others are authorized on each parcel in a G zone:

- a. place of worship;
- b. library;
- c. government office;
- d. community use;
- e. museum;
- f. fire hall;
- g. ambulance station;
- h. daycare;
- i. police station;
- j. post office;
- k. public utilities;
- l. tourist information centre;
- m. hospital;
- n. school;
- o. cemeteries; and
- p. recreation or fitness centre.

### 9.4.2. *Regulations*

All developments in the G zone shall strive to achieve universal accessibility.

On a parcel located in an area zoned as G, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

### ZONE G (PUBLIC AND INSTITUTIONAL) REGULATIONS

Minimum parcel size	800m <sup>2</sup>
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed fifty percent (50%) of the parcel area.
Maximum building height	18 metres <u>or</u> 3 storeys
Minimum setback of principal building from:	
front parcel line	7m
interior side parcel line	6.5m
exterior side parcel line	1.5m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	9m
Minimum setback of accessory building from:	
front parcel line	7m
interior side parcel line	1.5m
exterior side parcel line	1.5m
rear parcel line	1.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	

## 9.5. ZONE OS – RECREATION/OPENSOURCE/PARKS/TRADITIONAL ECONOMY/CULTURAL ACTIVITIES

### 9.5.1. *Discretionary Uses*

Subject to Regulations, particularly consideration of use of hazard lands, no uses are automatically authorized in this zone. All uses are discretionary and must be approved by the Development Approval Authority.

The following uses and no others may be considered on each parcel in an OS zone:

- a. parks;
- b. cultural and recreational facilities;
- c. traditional practice and education;
- d. conservation areas;
- e. gazebo;
- f. food cache;
- g. unheated storage shed or accessory building;
- h. campground;
- i. picnic area;
- j. exterior sports field;
- k. recreation trail;
- l. playgrounds;
- m. cemeteries;
- n. parking;
- o. storage, feeding, or kenneling of sled dogs;
- p. storage of boats, snowmobiles, sleds, or other equipment used for traditional pursuits; and
- q. spiritual or cultural pursuits or facilities of a temporary or semi-permanent nature.

Accessory buildings and structures may be considered, but must be deemed, in the opinion of the Development Approval Authority, to be consistent in form and character with the site.

### 9.5.2. Regulations

All OS lots will be treated as hazard lands, subject to permafrost layer erosion, land slumping, landslides, and/or flooding. As such, only very limited development will be approved, and must be both vetted by a geotechnical engineer and consistent with the Plan for the area.

All developments in the OS zone shall strive to achieve universal accessibility.

On a parcel located in an area zoned as OS, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

#### ZONE OS (OPEN SPACE/RECREATION) REGULATIONS

Minimum parcel size	n/a
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed two percent (2%) of the parcel area.
Maximum accessory building height	6m
Minimum setback of accessory building from:	
front parcel line	7m
interior side parcel line	6.5m
exterior side parcel line	1.5m
rear parcel line	9m
Minimum setback of accessory building from:	
front parcel line	7m
interior side parcel line	1.5m
exterior side parcel line	1.5m
rear parcel line	1.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	

## 9.6. ZONE T – AIRPORT/ TRANSPORTATION

### 9.6.1. *Authorized Uses*

The following uses and no others are authorized on each parcel in a T1 zone:

- a. airport facilities;
- b. accessory buildings and structures;
- c. bulk fuel storage;
- d. commercial indoor and outdoor storage;
- e. emergency and protective services;
- f. transportation and communication facilities and services;
- g. moorage;
- h. visitor information services.

### 9.6.2. *Regulations*

On a parcel located in an area zoned as T, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

No use or activity shall be authorized that by its very nature may produce electrical disturbance, generate smoke or attract bird and other wildlife that may detract from the safe operation of the airport.

Fence heights and material used may be referred to the Yukon Government department having jurisdiction to ensure compliance with Transport Canada security requirements.

## ZONE T (TRANSPORTATION) REGULATIONS

Maximum building height	5 m
Maximum Parcel Coverage	The floor area of all buildings on a parcel shall not exceed twenty percent (20%) of the parcel area.
Minimum setback of building from:	
front parcel line	6.5m
interior side parcel line	6.5m
exterior side parcel line	6.5m
rear parcel line	3m
Minimum setback of accessory building from:	
front parcel line	3m
interior side parcel line	6m
exterior side parcel line	6m
rear parcel line	3m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	

## 9.7. ZONE WM – WASTE MANAGEMENT

### 9.7.1. *Authorized Uses*

The following uses and no others are authorized on each parcel in a WM zone:

- a. waste storage and management facility;
- b. holding ponds;
- c. incinerators;
- d. land treatment facility;
- e. bulk fuel storage.

Accessory buildings and structures are authorized.

### 9.7.2. *Regulations*

On a parcel located in an area zoned as WM, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

Controlled by Vuntut Gwitchin Government for use by Citizens, standard protocols will actively evolve, improve and adapt to meet changing environmental goals and technological capabilities.

### ZONE WM (WASTE MANAGEMENT) REGULATIONS

Minimum parcel size	n/a
Maximum parcel coverage	The gross floor area of all buildings on a parcel shall not exceed fifty percent (50%) of the parcel area.
Maximum <i>primary</i> building height	15m <u>or</u> 3 storeys
Maximum <i>accessory</i> building height	7.5m
Minimum setback of principal building from:	
front parcel line	100m
interior side parcel line	100m
exterior side parcel line	100m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	100m
Minimum setback of accessory building from:	
front parcel line	7.5m
interior side parcel line	3.5m
exterior side parcel line	4.5m
rear parcel line	3.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	

## 9.8. ZONES FD-RC FUTURE DEVELOPMENT

To ensure lands identified in a Plan as most suited for future development are reserved for that general purpose with the minimum number of encumbrances and can be developed at an appropriate future date in an orderly and economic manner.

No building construction, and no storage, is authorized in any FD-RC zone.

Vuntut Gwitchin Government will construct public roads only after completion of a neighbourhood master plan and subdivision of the applicable FD lot.

### 9.8.1. *Discretionary use*

The following uses and no others may be considered on each parcel in a FD zone:

- a. public utilities;
- b. rest areas and viewpoints.