



**SQUAMISH NATION
BAND COUNCIL
RESOLUTION**

Band Council Resolution No.	2018 - 2674		
Motion No.	5		
File Reference			
Date of Meeting: (y/m/d)	2018	11	07

P.O. Box 86131 □ 320 Seymour Blvd North Vancouver, B. C. V7L 4J5 Tel. (604) 980-4553 Fax (604) 980-9601

SUBJECT :	Squamish Nation Cannabis Bylaw
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WHEREAS:

- A. The Squamish Nation (“**Nation**”) has and maintains Aboriginal Title, Rights and interests to its lands, waters and resources within its Territory;
- B. The Nation has an inherent right to self-determination and self-government which emanates from its people, culture and land, and which is recognized and affirmed by section 35 of the *Constitution Act 1982*;
- C. The Nation’s Council has a sacred responsibility for the health, safety and wellbeing of our community, including our youth, which responsibility includes minimizing the risks and public nuisances that may arise as a result of the legalization of Cannabis in Canada;
- D. Although the Government of Canada has adopted legislation regarding Cannabis, such legislation focuses on the protection of health and safety of Canadians as a whole, and does not adequately take into account the local context of the Nation and its members, over which the Council has greater knowledge and inherent jurisdiction and authority; and
- E. To protect the health, safety and wellbeing our Nation and our members, the Council have decided to take control and legislate the production and sale of Cannabis to reduce the corresponding risks to the Nation and its members, through the *Squamish Nation Cannabis Bylaw, 2018* (“**Bylaw**”)

NOW THEREFORE be it resolved that Squamish Nation Council

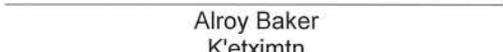
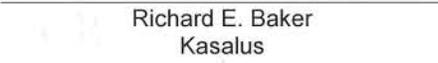
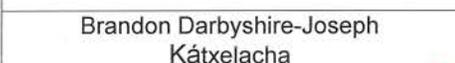
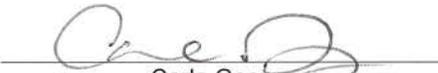
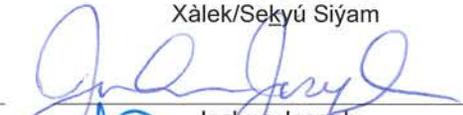
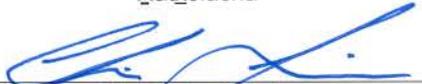
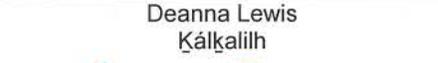
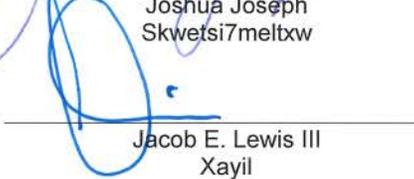
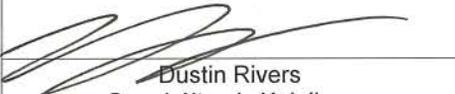
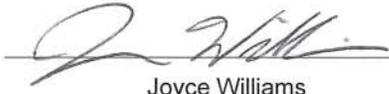
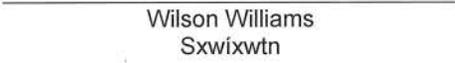
1. The Bylaw in substantially the form presented to Council, be and is hereby approved and passed with effect as of the date provided therein.
2. Any Councillor, as directed by Council, is hereby authorized and instructed to cause the Bylaw to be published in the *First Nations Gazette* or a local newspaper as soon as practicable after the passing of this resolution.
3. The Cannabis Committee will:

Band Council Resolution No.	2018	2674
Motion No.		5
File Reference		

SUBJECT : Squamish Nation Cannabis Bylaw

- a) Share the By-Law with the Business Revenue Department.
- b) Present a Committee Terms of Reference for consideration by Council.
- c) Report to Council on a work plan, timeline, and budget for consultation with Membership and Staff on issues related to the legalization of Cannabis by the Federal government and opportunities for the Squamish Nation related to cannabis.

A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF 8 COUNCILLORS	SQUAMISH NATION COUNCIL 320 SEYMOUR BLVD MEETING HELD AT: NORTH VANCOUVER, B. C.	
	DATED: November 7, 2018	
	MOVED BY: <i>Dustin Rivers</i>	SECONDED BY <i>Marcus Wooden</i>

 Orene Askew	 Alroy Baker K'etximtn	
 Deborah Baker K'ána	 Richard E. Baker Kasalus	 Chief Ian Campbell Xàlek/Sekyú Siyam
 Brandon Darbyshire-Joseph Kátxelacha	 Carla George Kwitelut/Kwelaw'ikw	 Joshua Joseph Skwetsi7meltxw
 Christopher Lewis Syetáxtn	 Deanna Lewis Kálkailh	 Jacob E. Lewis III Xayil
 Dustin Rivers Sxwcháhten iy Xelsilem	 Kristen Rivers Tiyáhtelut	 Joyce Williams
 Wilson Williams Sxwixwtn	 Marcus Wooden Klakwagilagime	

Squamish Nation Cannabis Law, 2018
(a law to provide for the control of Cannabis production and sale within
Squamish Nation’s Territory)

TABLE OF CONTENTS

PART 1 – NAME	2
PART 2 – PURPOSE AND APPLICATION.....	2
PART 3 – DEFINITIONS	3
PART 4 – CANNABIS PRODUCTION FACILITIES	4
PART 5 – SALE OF CANNABIS.....	4
PART 6 – ENFORCEMENT AND OFFENCES.....	4
PART 7 – IMMUNITY	5
PART 8 – AMENDMENT	6
PART 9 – GENERAL PROVISIONS.....	6

WHEREAS:

- A. We, the Squamish Nation, have and maintain Aboriginal Title, Rights and interests to our lands, waters and resources within our Territory;
- B. We have an inherent right to self-determination and self-government which emanates from our people, culture and land, and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- C. Our Council has a sacred responsibility for the health, safety and wellbeing of our community, including our youth, which responsibility includes minimizing the risks and public nuisances that may arise as a result of the legalization of Cannabis in Canada;
- D. Although the Government of Canada has adopted legislation regarding Cannabis, such legislation focuses on the protection of health and safety of Canadians as a whole, and does not adequately take into account the local context of Squamish Nation and our members, over which our Council have greater knowledge and inherent jurisdiction and authority; and
- E. To protect the health, safety and wellbeing our Nation and our members, our Council have decided to take control and legislate the production and sale of Cannabis to reduce the corresponding risks to Squamish Nation and our members,

NOW THEREFORE BE IT RESOLVED THAT this *Squamish Nation Cannabis Law, 2018* (the “**Law**”) is hereby enacted as a bylaw of Squamish Nation.

PART 1 – NAME

- 1.1 Short Title. This Law may be cited as the *Squamish Nation Cannabis Law*.

PART 2 – PURPOSE AND APPLICATION

- 2.1 Purpose. The purpose of this Law is to protect the health, safety and well-being of our community, including our youth, from the risks that may arise as a result of the legalization of Cannabis in Canada.
- 2.2 Application. The provisions of this Law apply to all Squamish Nation reserve lands. In addition, in the exercise of our inherent jurisdiction and authority over our Territory, Squamish Nation takes the position that this Law applies to all lands situated within our Territory, including those outside the boundaries of our reserve lands.
- 2.3 Other Laws. This Law is intended to work in conjunction with other applicable laws, bylaws and policies of Squamish Nation.
- 2.4 Authority.
 - (a) The Business Revenue Services Department is responsible for implementing this Law and will have all powers necessary to give effect to this Law.
 - (b) The Business Revenue Services Department may delegate any part of its authority under this Law to other Persons.

- (c) The Business Revenue Services Department may, from time to time, refer to Council for guidance and advice on the implementation of this Law.
- (d) The Business Revenue Services Department may contract with enforcement services to enforce this Law.

2.5 Non-Derogation. No provision of this Law, or any communication, negotiations or engagements carried out pursuant to it, does, or may be deemed to, prejudice, limit, abrogate or derogate from any of Squamish Nation's Title, Rights or interests.

PART 3 – DEFINITIONS

3.1 Definitions. For the purpose of this Law, the following definitions apply:

“Cannabis” means:

- (a) the whole or any part of a Cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than:
 - (i) a non-viable seed of a Cannabis plant;
 - (ii) a mature stalk, without any leaf, flower, seed or branch, of such a plant, and a fibre derived from such a stalk; and
 - (iii) the root or any part of the root of such a plant;
- (b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- (c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

“Council” means the duly elected Council of the Squamish Nation;

“Enforcement Officer” means a Person appointed or engaged by the Business Revenue Services Department, from time to time, to administer and enforce the provisions of this Law, and includes any officers of the Royal Canadian Mounted Police or any other peace officer with jurisdiction to enforce laws on Squamish Nation's reserve lands;

“Member” means a member of Squamish Nation;

“Person” includes an individual, society, corporation, partnership or party, whether acting by themselves or by an agent or employee, and the successors, permitted assigns and personal or other legal representatives of such Person to whom the context legally applies;

“Retail Licence” has the meaning provided in section 5.1;

“Squamish Nation Lands” means all reserve lands set apart for the exclusive use and benefit of the Squamish Nation;

“**Territory**” means the traditional, unceded ancestral territories of the Squamish Nation.

3.2 General Interpretation.

- (a) Our Indigenous laws apply to the interpretation of this Law.
- (b) Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this Law will be guided, interpreted and carried out in accordance with the culture, traditions and customs of Squamish Nation.
- (c) The headings of parts and section of this Law have been inserted as a matter of convenience and for reference only, and in no way define or limit any of its provisions.
- (d) A word in the singular form may be read in the plural form if the context allows it and a word in the plural form may be read in the singular form if the context allows it. All genders are included in any gender expressed.
- (e) The words “include”, “includes” and “including” are to be read as if they are followed by the phrase “without limitation”.
- (f) Any reference to a statute means that statute, and any regulations made under it, all as amended or replaced from time to time.

PART 4 – CANNABIS PRODUCTION FACILITIES

- 4.1 The establishment or operation of any Cannabis production facility within Squamish Nation’s Territory is prohibited until otherwise provided by a resolution of Council, and in accordance with this Law, as amended.

PART 5 – SALE OF CANNABIS

- 5.1 The sale of Cannabis within Squamish Nation’s Territory is prohibited until otherwise provided by a resolution of Council, and in accordance with this Law, as amended.

PART 6 – ENFORCEMENT AND OFFENCES

- 6.1 General. No Person shall obstruct, interfere with or hinder Council, the Business Revenue Services Department, an Enforcement Officer, or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.

- 6.2 Authority of Enforcement Officer. An Enforcement Officer may:

- (a) inspect any Cannabis production facility and Cannabis retail facility located on Squamish Nation Lands at all reasonable times to ensure compliance with this Law; and
- (b) issue a ticket for any offence under this Law.

- 6.3 Offence. Every Person who:

- (a) violates or causes or allows any of the provisions of this Law to be violated;

- (b) fails to comply with any of the provisions of this Law, or any other applicable law; or
- (c) neglects or refrains from doing anything required under the provisions of this Law,

shall be deemed to have committed an offence under this Law and shall be liable to a fine or imprisonment, or to both a fine of imprisonment, and each day such violation is caused or allowed to continue constitutes a separate offence.

6.4 Tickets.

- (a) An Enforcement Officer may issue a ticket for any offence under this Law.
- (b) Any Person issued a ticket under this Law will be required to pay the amount set from time to time for that ticket by regulation adopted by the Business Revenue Services Department.
- (c) A Person wishing to appeal a ticket issued under this Law may apply in writing to the Business Revenue Services Department.
- (d) The Business Revenue Services Department may, after considering a Person's application to appeal a ticket and acting reasonably, waive the ticket, reduce the fine, or enforce the ticket.
- (e) After consideration of an application to appeal the ticket, the Business Revenue Services Department will notify the applicant in writing of its decision, which decision will be final and binding.

PART 7 – IMMUNITY

7.1 No Damages. No action for damages lies or may be instituted against present or past Council, the Business Revenue Services Department, an Enforcement Officer, or members, employees, representatives or agents of either Squamish Nation or Council:

- (a) for anything said or done or omitted to be said or done by that Person in the actual or required performance of the Person's duty or exercise of their authority; or
- (b) for any alleged neglect or default in the actual or required performance of the Person's duty or exercise of their authority.

7.2 No Defence. Section 7.1 does not provide a defence if:

- (a) the Person in relation to the conduct that is the subject matter of the action, has been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
- (b) the cause of action is libel or slander.

7.3 No Liability. None of Squamish Nation, present or past Council, the Business Revenue Services Department, or members, employees, representatives or agents of any of Squamish Nation or Council are liable for any damages or other loss, including economic loss, sustained by any Person, or to the property of any Person, as a result of

neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Squamish Nation law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Squamish Nation law.

7.4 Limitation Period. Subject to sections 7.1 and 7.3, any actions against Squamish Nation (including Council and its employees) for the unlawful doing of anything that:

(a) is purported to have been done under the powers conferred by this Law or any Squamish Nation law; and

(b) might have been lawfully done if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose.

7.5 Required Notice. Squamish Nation is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Squamish Nation within two (2) months from the date on which the damage was sustained. In case of the death of a Person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the court of appeal, believes:

(a) there was reasonable excuse; and

(b) Squamish Nation has not been prejudiced in its defence by the failure or insufficiency.

PART 8 – AMENDMENT

8.1 General. This Law may only be amended by a resolution of Council.

8.2 Initial Review. Three (3) months after the coming into force of this Law, Squamish Nation will review its implementation and consider whether any amendments are required to ensure that it achieves its purpose, as outlined in section 2.1.

8.3 Regular Reviews. Squamish Nation will review and, if appropriate, amend this Law in accordance with section 8.1 every two (2) years, or whenever Council determines, in its sole discretion, that this Law should be reviewed and, if appropriate, amended.

PART 9 – GENERAL PROVISIONS

9.1 Compliance with other Laws. Where any other law or legal requirement may apply to any matter covered by this Law, compliance with this Law will not relieve the Person from also complying with the provisions of such other applicable law or legal requirement.

9.2 Severability. In the event that all or any part of any section of this Law are found by a court of competent jurisdiction to be invalid, such section shall be severable, and the remaining portions and sections of this Law shall remain in full force and effect.

9.3 Coming into Force. This Law will come into force and effect on the date that it is published on the Squamish Nation's website, in the *First Nations Gazette*, or in a newspaper that has general circulation on Squamish Nation lands.