

November 7<sup>th</sup>, 2016

# **SQ'EWÁ:LXW FIRST NATION**

## **ENFORCEMENT AND TICKETING LAW**



## PREAMBLE

WHEREAS Sq'ewá:lxw First Nation has an inherent right to self-government which emanates from its people, culture, language, and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

WHEREAS our Nation has chosen to assume control of its Indian reserve lands pursuant to the *First Nation Lands Management Act*, S.C. 1999, c. 24 by entering into the *Individual Agreement on First Nation Land Management between Sq'ewá:lxw First Nation and Her Majesty the Queen in Right of Canada* and by adopting the *Sq'ewá:lxw First Nation Land Code*;

WHEREAS under the *Sq'ewá:lxw Land Code*, Council is authorized to pass various laws relating to lands consistent with the *Land Code* as per Section 16(10), and relating directly to compliance as per Section 3(2) of Schedule E of the *Land Code*;

THEREFORE BE IT RESOLVED THAT the Sq'ewá:lxw First Nation hereby enacts the following law:

## PART 1 - INTERPRETATION

### Short Title

- 1 This Law may be cited as the "Sq'ewá:lxw Enforcement and Ticketing Law".

### Purpose

- 2 The purpose of this Law is to promote fair, effective and efficient enforcement of Sq'ewá:lxw Laws on Sq'ewá:lxw Lands.

### Definitions

- 3 For the purposes of this Law, the following definitions shall apply:
  - (1) terms have the same definitions as in the *Sq'ewá:lxw Land Code*;
  - (2) the following definitions apply:
    - (a) "**Council**" means the Chief and Council of Sq'ewá:lxw;
    - (b) "**Enforcement Officer**" means any person or class of persons designated as an enforcement officer under section 15;
    - (c) "**First Nations Land Management Act**" means the *First Nations Land Management Act (Canada)*, S.C. 1999, c. 24;
    - (d) "**Framework Agreement**" means the *Framework Agreement on First Nation Land Management* initially entered into between the Minister of Indian and Northern Affairs and the Chiefs of thirteen First Nations on February 12, 1996, as amended, and entered into by the Sq'ewá:lxw on March 6, 2008;
    - (e) "**Indian Act**" means the *Indian Act*, R.S.C. 1985, c. I-5;



- (f) “**Land Code**” means the Sq’ewá:lxw *Land Code* and any amendment thereto;
- (g) “**Lands Advisory Committee**” means the Lands Advisory Committee established pursuant to the *Land Code*;
- (h) “**Lands Manager**” means that Person hired by Sq’ewá:lxw First Nation to lead the management or administration of Sq’ewá:lxw Lands;
- (i) “**Law**” means any law enacted pursuant to the *Land Code*;
- (j) “**member**” means a person whose name appears or is entitled to appear on the Sq’ewá:lxw band membership list;
- (k) “**Offence Act**” means the *B.C. Offence Act* [RSBC 1996], Chapter 338, or any successor legislation;
- (l) “**panel**” means the Dispute Resolution Panel established pursuant to Schedule B of the *Land Code*;
- (m) “**Person**” includes an entity or corporation;
- (n) “**qwi:qwelstóm**” refers to the Stó:lō Service Agency justice program which focuses on relationships and interconnections of all living things and healing individuals, families and communities; and
- (o) “**qwi:qwelstóm kwelam t’ ey**” is the Halq’eméylem phrase that best describes “justice” according to the Stó:lō worldview . It means “they are teaching you, moving you toward the good”;
- (p) “**Sq’ewá:lxw**” means Sq’ewá:lxw First Nation, a band within the meaning given to “band” in subsection 2(1) of the *Indian Act*; and
- (q) “**Sq’ewá:lxw lands**” means Skawahlook Indian Reserve No. 1 and Ruby Creek Indian Reserve No. 2 and such other lands as are included under the term of the Sq’ewá:lxw *Land Code* ;

## PART 2 - APPLICATION

### Where This Law Applies

- 4 The provisions of this Law apply to all of the Sq’ewá:lxw lands

### Paramountcy

- 5 If there is a conflict between this *Enforcement and Ticketing Law* and the *Land Code*, the *Land Code* will apply.



## Authority

- 6 Except as otherwise provided in this *Enforcement and Ticketing Law*, the *Land Code*, or the *First Nations Land Management Act*, Sq'ewá:lxw acts through Council in exercising its powers and functions under this *Enforcement and Ticketing Law*.
- 7 Council must exercise its powers and functions in accordance with this *Enforcement and Ticketing Law*, the *Land Code* and all other applicable laws.

### PART 3 - APPOINTMENT AND AUTHORITY OF JUSTICES OF THE PEACE

- 8 Council may appoint, by Council Resolution, and with the advice of the Sq'ewá:lxw Lands Manager and the Sq'ewá:lxw Lands Advisory Committee, and in a manner consistent with the Sq'ewá:lxw *Land Code*, any justices of the peace Council considers necessary to ensure the enforcement and adjudication of Sq'ewá:lxw Laws.
- 9 Any justice of the peace appointed by Council must:
  - (1) Be qualified to act as a justice of the peace for the purposes of enforcing Sq'ewá:lxw Laws; and
  - (2) Swear an oath of office prior to commencing his or her duties as a justice of the peace for enforcing Sq'ewá:lxw Laws.
- 10 A justice of the peace appointed under this Law is empowered and authorized to make decisions regarding the application and enforcement of this Law including:
  - (1) Decisions regarding whether or not a ticket was validly issued;
  - (2) Decisions about whether or not a penalty or fine is due;
  - (3) The appropriate penalty; and
  - (4) Any other related decisions.
- 11 If, in the course of a hearing before a justice of the peace under this Law, a matter arises that is within the exclusive jurisdiction of a judge or a court of competent jurisdiction, the justice of the peace must terminate the hearing and refer the matter to be heard as a new trial by a judge.
- 12 Before the commencement of a hearing by a justice of the peace under this Law, a party to the matter may apply to a judge or a court of competent jurisdiction for an order that the matter be heard by a judge.
- 13 In making an order under subsection 12, the judge must consider the factors relevant including, without limitation, the following factors:
  - (1) The objective of respecting Sq'ewá:lxw First Nation law and self-government and encouraging timely, effective and efficient enforcement of Sq'ewá:lxw First Nation Laws;
  - (2) The complexity of the factual and legal issues involved in the matter;



- (3) The proposed length of the trial of the matter;
  - (4) The severity of the potential outcomes or consequences of the matter; and
  - (5) The public interest in the outcome of the matter.
- 14** Council may also authorize a justice of the peace or a similar official appointed by another government to act as a justice of the peace for the purposes of this Law.

#### **PART 4 - APPOINTMENT AND AUTHORITY OF ENFORCEMENT OFFICERS**

- 15** Sq'ewá:lxw designates the following as Enforcement Officers:
- (1) any RCMP officer or peace officer; and
  - (2) any individual or company designated by Council by a Council Resolution.
- 16** In the performance of their duties, Enforcement Officers may, at any reasonable time,
- (1) enter land or unoccupied structures; or
  - (2) enter a dwelling with the consent of the occupier or under a court order.
- 17** Except in emergencies, prior to entering land or an unoccupied structure under subsection 16 (2), an Enforcement Officer shall try to obtain the permission of the owner or occupier.
- 18** For the purpose of performing their duties an Enforcement Officer may:
- (1) inspect land, property or records;
  - (2) acting reasonably, take or make copies of anything; and
  - (3) make any reasonable inspection, investigation or inquiry that is necessary to determine if a Law or a regulation made under a Law, or a compliance agreement or an order, notice or other instrument issued under this or any other Law or regulation has been complied with or has been contravened.
- 19** In in the course of performing their duties, an Enforcement Officer must show his or her identification as an Enforcement Officer if requested.
- 20** The authority of an Enforcement Officer:
- (1) may be limited by their terms or conditions of appointment as an Enforcement Officer; and
  - (2) may be increased if the Enforcement Officer is, under another law or regulation, appointed or designated to enforce the provisions of any other law or regulation.



## PART 5 - TICKET OFFENCES

- 21** For any violation of any of the Laws set out in Schedule 1 or their successors or any Law designated by Council by a Council Resolution or their successors, an Enforcement Officer may lay an information by means of a ticket.
- 22** An information laid by means of a ticket is valid whether or not it is taken under oath.
- 23** Sq'ewá:lxw authorizes the use of any reasonable word or expression on a ticket issued under subsection 30 to designate an offence against a law.
- 24** The use on a ticket of
- (1) any word or expression authorized by law to designate an offence against a Law, or
  - (2) a general description of an offence against a Law, is deemed sufficient for all purposes to describe the offence designated by that word, expression or general description.

### Penalties in relation to ticket offences

- 25** For offences for which a ticket may be issued, Council must establish by Law, Regulation or Council Resolution:
- (1) the penalty or fine for the offence;
  - (2) the discounted amount of the penalty or fine payable is received on or before the 14th day after the date the ticket was received or presumed to have been received;
  - (3) the surcharge if the penalty is paid on or after the 30th day after the day on which the ticket was received or presumed to have been received; and
  - (4) any escalating fine for continuing offences as set out by Council.
- 26** Unless otherwise set out in a more specific provision of a Law, Regulation or Council Resolution, the penalties, discounts and surcharges apply as set out in Schedule 2 or as set out in the Enforcement Regulation and amended from time to time.
- 27** A Law may establish one or more of the following penalties in relation to an offence:
- (1) a fine not greater than the amount set out in Schedule 2 of this Law, as set by Council Resolution; or as set out in the Enforcement Regulation and amended from time to time; or
  - (2) in the case of a continuing offence, for each day that the offence continues, an escalating fine not greater than the amount set out in Schedule 2 of this Law, as set by Council Resolution, or as set out in the Enforcement Regulation and amended from time to time.



## **This Law Applies Despite Other Offence or Penalty Provisions**

- 28** The ticket fines and procedures set out in this Law apply to the specified provisions of all Sq'ewá:lxw Laws set out in Schedule 2 or as set by Council Resolution, or as set out in the Enforcement Regulation and amended from time to time, despite the fact that those Laws may set out different fines or procedures for summary convictions.

## **Form and content of tickets**

- 29** A ticket must be in the form prescribed by Regulation or Council Resolution and when a ticket or compliance notice is issued it must contain the following information:
- (1) particulars of the alleged contravention in sufficient detail that a recipient of the notice is able to identify the offence alleged;
  - (2) the amount of the penalty, the discounted penalty and the surcharge specified in the regulations;
  - (3) the methods of paying the penalty;
  - (4) how to dispute the alleged contravention;
  - (5) the date the ticket or compliance notice is issued;
  - (6) a means of identifying the enforcement officer who issued the notice;
  - (7) in the case of a ticket, that the Person receiving the ticket may appeal the ticket to the Sq'ewá:lxw Lands Manager; and
  - (8) any other information required by the Council Resolution or regulations.

## **Laying information and serving ticket**

- 30** An Enforcement Officer may complete and issue a ticket to any Person in respect of an alleged contravention for which a ticket may be issued.
- 31** When laying an information by means of a ticket, an Enforcement Officer must indicate on the ticket the offence charged and must sign the ticket.
- 32** The Enforcement Officer must serve the ticket on the Person alleged to have contravened the Law.
- 33** Service of a ticket under section 32 may be effected by:
- (1) serving a copy of the ticket on the Person alleged to have contravened the Law immediately after the alleged contravention, or
  - (2) causing a copy of the ticket to be served in a similar manner as a summons may be served under the *Offence Act*.
- 34** A ticket or compliance notice may be completed, issued and stored,



- (1) in electronic format by electronic means, or
  - (2) by another means, that allows the ticket or notice to be reproduced in intelligible form.
- 35** Service of a ticket under section 32 may be proved by:
- (1) the oral evidence given under oath of the Enforcement Officer who served it, or
  - (2) the certificate of the Enforcement Officer who served the ticket, if the certificate is endorsed on the ticket or a copy of the ticket.
- 36** The certificate referred to in subsection 35(2) is proof of the facts stated in the certificate and of the authority of the Enforcement Officer who signed it without further proof of the Enforcement Officers appointment or signature.

### **Choice of paying fine or disputing ticket**

- 37** If a fine is indicated on a ticket for an offence charged, the Person on whom the ticket is served may, within 14 days after the date of service,
- (1) pay the fine indicated on the ticket to the Sq'ewá:lxw lands office in accordance with the prescribed instructions,  
or
  - (2) dispute the allegation contained in the ticket by
    - (a) delivering or having delivered to the address set out in the ticket a written notice of dispute,  
or
    - (b) appearing in Person at the location set out in the ticket to give notice of dispute.
- 38** A notice of dispute under subsection 37 (2) must contain an address for the Person disputing the allegation and sufficient information to identify the ticket and the alleged contravention being disputed.
- 39** For the purpose of subsection 37 (2), a notice of dispute that is delivered by mail is deemed to have been delivered on the date it was mailed.
- 40** If within 14 days of being served a ticket a person fails to pay a fine or penalty under this Law, and fails to dispute the charge, the Lands Manager will provide by mail or other method a ticket reminder.

### **Effect of paying fine**

- 41** A Person who pays a fine in accordance with subsection 37 (1) [choice of paying fine or disputing ticket] is deemed to have pleaded guilty to the offence with which the Person was charged and to have paid the fine imposed.





- 42** If a Person who is served with a ticket pays the fine as referred to in subsection 37 (1) no conviction need be drawn up or entered unless it is required under the Law contravened or by the Person convicted or a prosecutor.
- 43** If notice of dispute is not given in accordance with subsection 37 (2) [choice of paying fine or disputing ticket] within 30 days of the Person being served a ticket, the Person is deemed to have pleaded guilty to the offence with which the Person was charged.



## PART 6 - DISPUTE RESOLUTION

- 44 If notice of dispute is given in accordance with subsection 37 (2) [choice of paying fine or disputing ticket], the matter will be referred to dispute resolution.

### Qwi:qwelstóm

- 45 The Lands Manager will refer the dispute to Qwi:qwelstóm for resolution. Adjudicators will be drawn from the ranks of *Stó:lō Qwi:qwelstóm ye Smóyelhtel*. Qwi:qwelstóm will proceed with its work in a good way.
- 46 By entering into dispute resolution, both parties agree to be bound by the Qwi:qwelstóm decision. Qwi:qwelstóm will establish the rules for its hearings and for the conduct of its affairs. Qwi:qwelstóm will provide a written report and decision.
- 47 If notice of dispute is given in accordance with subsection 37 (2) [choice of paying fine or disputing ticket], and the Person served the ticket does not agree to dispute resolution by Qwi:qwelstóm, the Lands Manager or Council must refer the ticket to a justice of the peace or the Provincial Court for a hearing.

### Hearing of dispute

- 48 If a ticket is referred to a justice of the peace or the Provincial Court under section 46, the Sq'ewá:lxw Lands Manager must confirm that the Person who was served with the ticket receives a notice of the hearing specifying a time and place for the appearance of the Person before a justice of the peace or the Provincial Court.
- 49 If a Person appears before a justice of the peace at the time and place specified in the notice under subsection 47, section 58 of the Offence Act does not apply to the Person and the justice of the peace or the Provincial Court has jurisdiction to hear the dispute without examining the notice of dispute or the notice of the hearing or inquiring into the service of the ticket on the Person.
- 50 Despite section 60 of the Offence Act but subject to the Supreme Court Civil Rules, a justice of peace hearing the trial on a ticket may,
- (1) admit as evidence, whether or not it would be admissible under the laws of evidence, any oral or written testimony or any record or thing that the justice of the peace considers is relevant to an issue in the trial and is credible and trustworthy, and
  - (2) adopt procedures that are conducive to justly and expeditiously determining the matter.
- 51 As a restriction, a justice of the peace may not admit under subsection 50(1) anything that is privileged under the laws of evidence.
- 52 If a Person who is served with a ticket
- (1) has,



- (a) appeared before a justice of the peace or a judge of the Provincial Court at the time and place specified in the notice under subsection 48, and
  - (b) pleaded guilty to or been found guilty of the offence with which the Person was charged, or
- (2) is deemed under section 53 or 54 [Failure to appear at hearing] to have pleaded guilty to the offence with which the Person was charged,
- no conviction need be drawn up or entered unless it is required under the Law contravened or by the Person convicted or a prosecutor.

### **Failure to appear at hearing**

- 53** A Person is deemed to have not disputed a charge if the Person fails to appear before a justice of the peace to dispute the charge,
- (1) at the time and place specified in the notice of the hearing referred to in section 48 [hearing of dispute], or
  - (2) at a new time and place set under section 59 [time extensions if Person not at fault in failing to respond or appear].
- 54** If a Person is deemed under section 53 to have not disputed the charge,
- (1) the Person is deemed to have pleaded guilty to the offence with which the Person was charged,  
and
  - (2) the fine amount indicated on the ticket is immediately payable to Sq'ewá:lxw at the administrative office.
- 55** Nothing in subsection 53 is to be construed as abrogating the right of a Person to appeal the conviction under section 102 of the Offence Act.

### **Failure to respond to ticket**

- 56** A Person served with a ticket under subsection 30 [laying information and serving ticket] is deemed to have not disputed the charge if
- (1) the Person does not pay the fine or dispute the charge, as provided in section 37 [choice of paying fine or disputing ticket], and
  - (2) at least 30 days have elapsed since the ticket was served on the Person.
- 57** If a Person is deemed under subsection 56 to have not disputed the charge, subsection 54 [failure to appear at hearing] applies.
- 58** Nothing in subsection 56 is to be construed as abrogating the right of a Person to appeal the conviction under section 102 of the *Offence Act*.



## **Time extensions if Person not at fault in failing to respond or appear**

**59** A Person who is served with a ticket but

- (1) does not dispute the charge,  
or
- (2) fails to appear before a justice of the peace at the time and place specified in the notice under subsection 48[notice of hearing],

may apply to a justice of the peace for a time extension in the circumstances established by this section.

**60** In the case of a Person who did not dispute the charge, the Person may only apply if

- (1) the Person has, through no fault of that Person, not had an opportunity to dispute the charge, and
- (2) not more than 30 days have passed since the end of the period referred to in subsection 37 [choice of paying fine or disputing ticket].

**61** In the case of a Person who failed to appear before a justice of the peace to dispute the charge, the Person may only apply if,

- (1) the failure was through no fault of the Person, and
- (2) not more than 30 days have passed since the date specified in the notice under subsection 48 [notice of hearing].

**62** The justice of the peace to whom the application is made, on being satisfied by affidavit in the prescribed form and with or without hearing from the applicant, that the applicable conditions set out in subsection 60 or 61 have been met may

- (1) strike out the conviction, if any,
- (2) in the case of a Person who did not dispute the charge, allow the Person 14 days after the date the conviction is struck to dispute the charge in accordance with subsection 37 [choice of paying fine or disputing ticket],  
and
- (3) in the case of a Person who failed to appear to dispute the charge, set a new time and place for the appearance of the Person before a justice of the peace.

**63** If a conviction is struck out under subsection 61, the justice of the peace must give the Person a certificate of the fact in the prescribed form.

## **Collections**

**64** If a person fails to pay a fine or penalty under this Law, the Lands Manager is authorized, thirty (30) days after having sent a ticket reminder to the person, to send any unpaid fine or penalty to a collection agency.



## **Regulations in relation to ticket offences**

**65** Council may make regulations or pass Council Resolutions as follows:

- (1) prescribing the form and content of the tickets issued under this Law;
- (2) prescribing matters that are not subject to ticket offences;
- (3) prescribing classes of Persons for the purpose of ticket offences;
- (4) prescribing an amount for the purposes of sections 25 and 27 [penalties in relation to ticket offences];
- (5) prescribing fees for adjudication, including extra administrative or surcharge fees if a person unsuccessfully disputes a ticket;
- (6) prescribing the form of a certificate of service for the purpose of subsection 35(2) [laying information and serving ticket];
- (7) prescribing instructions for paying a fine for the purpose of section 37 [choice of paying fine or disputing ticket];
- (8) prescribing the form of an affidavit for the purpose of section 62 [time extensions if Person not at fault in failing to respond or appear]; and
- (9) prescribing the form of a certificate under section 62 [time extensions if Person not at fault in failing to respond to ticket].

## **PART 7 - AMENDMENTS**

### **Amendments to this Law**

**66** An amendment or repeal of this Enforcement and Ticketing Law must only be made by Council, as recommended by the Lands Advisory Committee in accordance with the *Land Code*.



### **Schedule 1: Laws**

The *Sq'ewá:lxw Enforcement and Ticketing Law* is applicable to Sq'ewá:lxw Laws as provided below, or as set by Council Resolution, or as set out in the Enforcement Regulation and amended from time to time.

- (1) Animal Control and Protection Law, 2011;
- (2) Environmental Management Law, 2017;
- (3) Expropriation Law, 2016;
- (4) Fireworks Law, 2011;
- (5) Land Use and Zonation Law, 2017;
- (6) Legislation Development Law, 2017;
- (7) Noise Control Law 2011;
- (8) Outdoor Fires Law, 2011;
- (9) Removal of Trespassers Law, 2011;
- (10) Spousal Property Law, 2011;
- (11) Subdivision, Development and Servicing Law, 2017; and
- (12) Any laws designated by Council by Resolution and set out in any regulation made here under.



**Schedule 2: Fines and Penalties**

Fines and Penalties are as provided below, or as set by Council Resolution, or as set out in the Enforcement Regulation and amended from time to time.

Offence (Summary)	Discounted fine if paid within 14 days.	Fine.	Penalty fine if not paid in 30 days.	Escalating Fine.
<b>Animal Control and Protection Law , 2011</b>				
6.1 No person shall: (a) own a dog unless it is confined to premises ...; (b) own a diseased animal unless it is securely confined ...; (c) own a vicious dog unless it is: (i) muzzled ... ; or (ii) securely confined ...; (d) own more than two (2) dogs and two (2) cats over the age of four months on any property under 0.5 hectares (1.2 acres); (e) allow the accumulation of animal excrement to become noxious or a health hazard; (f) tease, torment or provoke a domestic animal.	\$100	\$200	\$300	\$200 per day
7.1 No person shall own any animal unless the animal is provided with: (a) clean potable drinking water ...; (b) food and water receptacles kept clean ...; (c) the opportunity for periodic ...; and (d) necessary veterinary medical care ... . 7.2 No person shall own any animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter, which: (a) ensures protection ... ; (b) and (c) provides sufficient space ... ; (d) provides the animal with sufficient shade ... ; and (e) includes access to a pen and run area, ... . 7.3 No person may cause an animal to be hitched, ... in a choke-type collar. 7.4 No person may cause an animal to be confined to an enclosed space, including a motor vehicle, without adequate ventilation and temperature control.	\$250	\$500	\$750	\$500 per day
<b>Fireworks Law, 2011</b>				
6.1 No person shall manufacture, package, re-package, sell or offer for sale any Fireworks within Skawahlook Lands. 6.3 No person shall use, discharge, fire or set off, or allow to be used, discharged, fired or set off any Fireworks in such a place or in such a manner as might create danger or constitute a nuisance ... .	\$250	\$500 (Max: \$1000 or 30 days)	\$750	\$500
6.2 No person shall use, discharge, fire or set off any Fireworks within Skawahlook Lands, unless the person has obtained a valid Permit under this Law.	\$100	\$200 (Max: \$1000)	\$300	\$200
10.1 No person shall obstruct, interfere with or hinder Council, a Law Enforcement Officer or any authorized employee in the carrying out of their duties and responsibilities under this Law. 10.2 Any person who violates any of the provisions of this Law or a Permit issued under it, ... , commits an offence.	\$250	\$500 (Max: \$1000 or 30 days)	\$750	\$500



Offence (Summary)	Discounted fine if paid within 14 days.	Fine.	Penalty fine if not paid in 30 days.	Escalating Fine.
<b>Noise Control Law, 2011</b>				
6.1, 6.2 No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.	\$100	\$200	\$300	\$200 per day
<b>Outdoor Fires Law, 2011</b>				
6.1 No person shall light, fuel or use an open fire on Skawahlook Lands except: (a) a Ceremonial or Traditional Fire; (b) a Contained Fire; or (c) in accordance with a permit issued under this law;	\$250	\$500 (Max: \$1000)	\$750	\$500 per day
6.3 No person shall light, fuel or use an open fire on Skawahlook Lands in high winds, or when a burning ban is in effect. 6.4 No person shall light, fuel or use an open fire on Skawahlook Lands unless the person: (a) takes all necessary precautions ... ; (b) does not leave the fire unattended; (c) complies with the provisions of the Open Burning Smoke Control Regulation, B.C. Reg. 145/93; and (d) completely extinguishes the fire before leaving the site of the fire.	\$250	\$500 (Max: \$1000 plus fire fighting costs)	\$750	\$500 per day
<b>Removal of Trespassers Law, 2011</b>				
6.1 A person, other than a person referred to in section 6.2, who conducts any of the following activities on Skawahlook Lands: (a) hunting, fishing or trapping; (b) removal of natural resources; (c) hawking, peddling, or soliciting; (d) loitering; or (e) activities contrary to the Criminal Code. shall be deemed to be frequenting Skawahlook Lands for a prohibited purpose.	\$100	\$200 (Max: \$1000 or 30 days)	\$300	\$200 per day
6.3 A Law Enforcement Officer may order any person who trespasses on or who frequents Skawahlook Lands for prohibited purposes to leave Skawahlook Lands immediately. 6.4 Where a person who has been ordered to leave Skawahlook Lands fails or refuses to do so, a Law Enforcement Officer may take such reasonable measures as may be necessary to remove the person from Skawahlook Lands. 6.5 A person who fails or refuses to comply with an order made under section 6.3 to leave Skawahlook Lands, or shall resist or interfere with an officer acting under section 6.4 commits an offence.	\$250	\$500 (Max: \$1000 or 30 days)	\$750	\$500 per day
<b>Spousal Property Law, 2011</b>				
38(1) A person commits an offence by refusing or neglecting, without reasonable excuse, to comply with any Court order made against that person under the provisions of this Law.	\$500	\$1,000 (Max: \$5000 or 3 months)	\$2,000	N/A







### BAND COUNCIL RESOLUTION RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear on all resolutions requesting expenditures from band funds.  
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon les cas doivent paraître dans tous les résolutions portant sur des dépenses à même les fonds des bandes.

The council of the Le conseil de				SKAWAHL00K FIRST NATION		Cash free balance – Soldé disponible	
						Capital account Compte capital \$	
Date of duly convened meeting Date de l'assemblée dument convoquée	D-J	M	Y-A	Province		Revenue account Compte revenu \$	
	07	11	2016	British Columbia			

DO HEREBY RESOLVE:  
DÉCIDE PAR LES PRESENTES:

The Chief and Council of Sq'ewá:lxw (Skawahlook) First Nation in British Columbia, do hereby resolve as follows:

**WHEREAS:**

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council ratified the Skawahlook First Nation Land Code by referendum on the 29<sup>th</sup> day of March 2010;

**WHEREAS:**

The Sq'ewá:lxw (Skawahlook) First Nation Council completed the Enforcement and Ticketing Law in consultation with legal guidance and the Sq'ewá:lxw (Skawahlook) Lands Committee.

**WHEREAS:**

The Enforcement and Ticketing Law was tabled in accordance with part 4: 78 (1) of the Skawahlook Land Code at a duly convened meeting of the Chief and Council on September 13<sup>th</sup>, 2016.

**WHEREAS:**

The Enforcement and Ticketing Law was posted in the band office and on the Sq'ewá:lxw website in accordance with part4: 79 (3) of the Skawahlook Land Code;

**THEREFORE:**

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council enact the Enforcement and Ticketing Law as a Law of the Sq'ewá:lxw (Skawahlook) First Nation in accordance with Part 4: (79) and (80) in the Skawahlook First Nation Land Code .

This resolution is supported by the undersigned and passed this 7th, day of November, 2016.

A quorum for this Band consists of 2 (two) council members

Chief Maureen Chapman

Councillor Debra Schneider

#### FOR DEPARTMENTAL USE ONLY – RÉSERVÉ AU MINISTÈRE

Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens)	Source of funds Sources des fonds ↑ Capital ↪ Revenue - Revenu	Expenditure – Dépenses	Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens)	Source of funds Sources des fonds ↑ Capital ↪ Revenue - Revenu
Recommending officer – Recommandé par			Recommending officer – Recommandé par		
Signature _____ Date _____			Signature _____ Date _____		
Approving officer – Approuvé par			Approving officer – Approuvé par		
Signature _____ Date _____			Signature _____ Date _____		