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and who is entitled to a *Kituqitqat kitkin Pa·knumuqtitit* (certificate of possession) under the *Pa·knumuqtitit kawicikinitit Pamaks, 2016 (Paqam Allotment Law, 2016)*;

“Paqam” means dense forest, and in this *Pa·knumuqtitit* (Law) refers to the Paqam within the meaning of the *Indian Act*, formerly known as the St. Mary’s Indian Band, for whose use and benefit in common Paqam Pamak (Paqam Lands) have been set apart by Canada;

“*Pa·knumuqtitit kawicikinitit Pamaks, 2016 (Paqam Allotment Law, 2016)*” means the *Pa·knumuqtitit kawicikinitit Pamaks, 2016 (Paqam Allotment Law, 2016)*, enacted by Council on October 18, 2016;

“*Kitqawxawicikinitit Pamak (Paqam Community Lands)*” means any Paqam Pamak (Paqam Lands) in which every Paqamnik (member of Paqam) has a common interest;

“Paqam Pamak (Paqam Lands)” includes:

- (a) Paqam - Kootenay Indian Reserve No. 1 (07422);
- (b) kankak - Isidore’s Ranch No. 4 (07423);
- (c) qatsan mayuk - Cassimayooks No. 5 (07424);
- (d) katqakakma?nam - Bummer’s Flat No. 6 (07425); and
- (e) Pamak “lands” set apart by Canada in the future as Paqam Pamak (lands) reserved for the use and benefit of the Paqam within the meaning of subsection 91(24) of the *Constitution Act 1867* and section 2(1) of the *Indian Act*;

“Paqamnik (member of Paqam)” means people of the dense forest, and in this *Pa·knumuqtitit* (Law) means a person whose name appears or whose name is entitled to appear on the Paqam membership list;

“Paqam public building” means a building located on *Kitqawxawicikinitit Pamak (Paqam Community Lands)* out of which Paqam delivers programs and services to a Paqamnik (member of Paqam);

“*Kituqitqat kitkin Pa·knumuqtitit* (Certificate of Possession)” means a certificate of possession issued by:

- (a) Canada, pursuant to subsection 20(2) of the *Indian Act*, to an Paqamnik (member of Paqam) who is lawfully in possession of Paqam Pamak (Paqam Lands) as evidence of that Paqamnik (member of Paqam)’s right to possession of the land described in the certificate of possession; or
- (b) *Pitwatna?is Paqam* (Council), pursuant to section 12 of the *Pa·knumuqtitit kawicikinitit Pamaks, 2016 (Paqam Allotment Law, 2016)* to an Paqamnik (member of Paqam) who is

lawfully in possession of ʔaǰam ʔamak (ʔaǰam Lands) as evidence of that ʔaǰamnik (member of ʔaǰam)'s right to possession of the lands described in the certificate of possession;

“nasukin (Chief)” means the person elected into the position of Chief pursuant to an election held in accordance with the *St. Mary's Indian Band Custom Election Regulations, 2016*;

“ʔakikʔnam ʔaǰismaknik (community member)” means:

- (a) a member of a Ktunaxa Band who ordinarily resides on ʔaǰam ʔamak (ʔaǰam Lands); or
- (b) a person who consistently volunteers at or participates in ʔaǰam community events or meetings, without receiving compensation for doing so; or
- (c) a person who is deemed a ʔakikʔnam ʔaǰismaknik (community member) by Council;
or
- (d) a person who is the immediate family of an ʔaǰamnik (member of ʔaǰam), whether or not that:
 - (i) person ordinarily resides with that ʔaǰamnik (member of ʔaǰam),
 - (ii) person or that ʔaǰamnik (member of ʔaǰam) ordinarily resides on ʔaǰam ʔamak (ʔaǰam Lands), or
 - (iii) ʔaǰamnik (member of ʔaǰam) is deceased;

“*Constitution Act*” means the *Constitution Act, 1982*, enacted as Schedule B to the *Canada Act 1982, 1982, c. 11 (U.K.)*, which came into force on April 17, 1982;

“*Controlled Drugs and Substances Act*” means the *Controlled Drugs and Substances Act, S.C., 1996, c. 19*;

“ʔitʔafnaʔis ʔaǰam (Council)” means the lawfully elected government of ʔaǰam and includes the nasukin (Chief);

“*Criminal Code*” means the *Criminal Code R.S.C., 1985, c. C-46*;

“cultural heritage site” means an object, site or location of a traditional or cultural practice that has past and ongoing importance and this is of historical, cultural or archaeological significance to ʔaǰam;

“*First Nations Land Management Act*” means the *First Nations Land Management Act, S.C. 1999, c.24*;

“yaqawxaʔ pituǰitʔa kanuhus ʔaǰismaknik ʔamakʔis (First Nation Land Register)” means the register maintained by the Department of Indigenous and Northern Affairs Canada pursuant

to section 25 of the *First Nations Land Management Act*;

“Framework Agreement” means the *Framework Agreement on First Nations Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, on February 12, 1996, as amended;

“ʔa·q̓uwaliʔit (garbage)” means solid waste, refuse or other toxic, noxious, offensive or unwholesome matter that is discarded, including:

- (a) packaging from consumer goods;
- (b) waste paper, plastic, glass, and metal scraps;
- (c) cast-off clothing, electronic devices, home appliances, furniture, or motor vehicles;
- (d) organic or synthetic matter, or kitchen scraps, including ʔa·kułak (meat), kyakxu (fish), ʔa·kuq̓liʔit (fruit), and kitmukuł (vegetables) resulting from the handling, preparation, cooking and consumption of food;
- (e) soil, gravel, living organisms, or other q̓api qapsin kqaki·kakinił ʔamaks (natural resources) that emanate from outside of ʔaq̓am ʔamak (ʔaq̓am Lands) and any other substance, such as sewage, that would:
 - (i) likely cause damage to either kyakxu (fish) or kyakxu (fish) habitat, or animals or animal habitat on ʔaq̓am ʔamak (ʔaq̓am Lands), or
 - (ii) likely have a detrimental impact on an ʔaq̓amnik (member of ʔaq̓am)’s use of kyakxu (fish) or animals harvested on ʔaq̓am ʔamak (ʔaq̓am Lands); and
- (f) a łuq̓unakiłmakxuʔni (wildlife carcass) or edible parts of wildlife;

“ʔałaqattitmu (immediate family)” means a person’s father, mother, sister, brother, husband, wife, common-law spouse, son or daughter, including adopted;

“*Indian Act*” means the *Indian Act*, R.S.C., 1985, c. I-5;

“Justice” means a justice of the peace or a provincial court judge;

“Ktunaxa Band” means any of the following:

- (a) ʔakisq̓nuk First Nation;
- (b) ʔaq̓am;
- (c) Yaqañ Nukiy (Lower Kootenay Indian Band);

(d) ʔakinkumʔasnuqʔit (Tobacco Plains Indian Band);

“xakqanwisqa (loitering)” means to be present for any reason other than:

(a) to attend an ʔaqam community event or meeting, or

(b) in the case of an ʔaqam employee or contractor, to fulfill their duties and functions in accordance with their employee agreement or contract, as applicable;

“qapi qapsin kqaki-kakiniʔ ʔamaks (natural resource)” means a renewable or non-renewable material or component that can be used and that can be derived from and is located on ʔaqam ʔamak (ʔaqam Lands);

“ʔakʔanaʔ ʔinʕiʔitiʔ (non-substantive amendment)” means an amendment to this ʔa-knumuʕitiʔiʔ (Law) that does nothing more than:

(a) correct typographical or other editorial errors that were not caught during the initial drafting process;

(b) amend this ʔa-knumuʕitiʔiʔ (Law) to incorporate into it a Ktunaxa term that has the same meaning as the English term used in this ʔa-knumuʕitiʔiʔ (Law); or

(c) bring this ʔa-knumuʕitiʔiʔ (Law) into compliance with changes in the laws of ʔaqam, Canada or the Province;

“kʔitusaqa (occupier)” means a person entitled to:

(a) occupy ʔaqam ʔamak (ʔaqam Lands) under a valid land instrument that is registered in the yaqawxaʔ ʔituqʔitiʔqa kanuhus ʔaqʔismaknik ʔamakʔis (First Nation Land Register); or

(b) occupy kitqawxawiʕkiniʔ ʔamak (ʔaqam Community Lands) under a rental agreement with ʔaqam;

“sa-nʔiknaʔtitmu kqa-ʕmu (off-roading)” means to drive an all-terrain vehicle, dirt bike, truck, sports utility vehicle or any other motorized vehicle on kitqawxawiʕkiniʔ ʔamak (ʔaqam Community Lands) that:

(a) are made of materials such as sand, gravel, riverbeds, mud, snow, rocks or other natural terrain; and

(b) are not either paved or gravel roads intended to sustain vehicular traffic;

“kaqanxu (peace officer)” means:

(a) any member of the Royal Canadian Mounted Police; and

(b) any person employed or contracted by ʔaqam to enforce ʔaqam laws; and

“privately held ʔaqam ʔamak (ʔaqam Lands)” means:

(a) an “kawiçkiniʔ ʔamaks (allotment)”; or

(b) kitqawxawiçkiniʔ ʔamak (ʔaqam Community Lands) that are held exclusively by a person pursuant to a valid land instrument registered in the yaqawxaʔ ʔituqʔiʔqa kanuhus ʔaqʔsmaknik ʔamakʔis (First Nation Land Register).

Kuçiniʔat (Interpretation)

3. This ʔa·knumuçtiʔiʔ (Law) must be interpreted in a fair, large and liberal manner.

4. In this ʔa·knumuçtiʔiʔ (Law):

(a) the use of the word “must” denotes an obligation that, unless this ʔa·knumuçtiʔiʔ (Law) provides to the contrary, must be carried out as soon as practicable after this ʔa·knumuçtiʔiʔ (Law) comes into effect or after the event that gives rise to the obligation occurs;

(b) 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”;

(c) headings and subheadings are for convenience only, do not form a part of this ʔa·knumuçtiʔiʔ (Law) and in no way define, limit, alter or enlarge the scope or meaning of any provision of this ʔa·knumuçtiʔiʔ (Law);

(d) a reference to a statute includes every kākʔanaʔ ʔitkiniʔ (amendment) to it, every regulation made under it and any law enacted in substitution for it or in replacement of it;

(e) a reference to a government office includes every successor government office and a reference to a government official includes every successor government official;

(f) 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;

(g) 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;

(h) where a 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;

(i) where a time is expressed to begin after or to be from a specified day, the time does not include that day; and

(j) where anything is to be done within a time after, from, on or before a specified day, the time does not include that day.

Nitnumuḡtitiḡi ḡa·knumuḡtitiḡi (Application of Law)

5. This ḡa·knumuḡtitiḡi (Law) applies to all ḡaḡam ḡamak (ḡaḡam Lands) and all persons who enter ḡaḡam ḡamak (ḡaḡam Lands).

6. Where any ḡa·knumuḡtitiḡi (law) or regulation of Canada or the Province or any other ḡaḡam ḡa·knumuḡtitiḡi (law) applies to any matter covered by this ḡa·knumuḡtitiḡi (Law), compliance with this ḡa·knumuḡtitiḡi (Law) does not relieve the person from also complying with the provisions of the other applicable ḡa·knumuḡtitiḡi (laws) or regulations.

7. If any provision of this ḡa·knumuḡtitiḡi (Law) is held invalid by a court of competent jurisdiction, the invalid provision must be severed from and must not affect the remaining provisions of this ḡa·knumuḡtitiḡi (Law).

PART III ḡXAḡ LITḡAḡIḡ QAQAḡNI (PROHIBITED PURPOSE)

ḡxaḡ litḡaḡiḡ qaqaḡni (Prohibited Purpose)

8. (1) A person, whether or not they are an ḡaḡamnik' (member of ḡaḡam), who enters ḡaḡam ḡamak (ḡaḡam Lands) to, or while on ḡaḡam ḡamak (ḡaḡam Lands) participates in, any of the following activities is deemed to be frequenting ḡaḡam ḡamak (ḡaḡam Lands) for a ḡxaḡ litḡaḡiḡ qaqaḡni (prohibited purpose):

(a) disposes or dumps ḡa·ḡuwatiḡit (garbage) on ḡaḡam ḡamak (ḡaḡam Lands), except:

(i) with the permission of ḡitwatnaḡis ḡaḡam (Council) and in a ḡa·ḡuwatiḡit (garbage) bin or other receptacle designated by ḡaḡam for ḡa·ḡuwatiḡit (garbage) disposal, or

(ii) an ḡaḡamnik' (member of ḡaḡam) discarding of a ḡuḡunakiḡmakxuḡni (wildlife carcass) or edible parts of wildlife that are not suitable for human consumption;

(b) activities that are contrary to the *Criminal Code* or *Controlled Drugs and Substances Act*;

(c) sa·n̄hiknaʔtitmu kqa·ʒmu (off-roading) in a manner that causes damage to kitqawxawiʒkiniʔ ʔamak (ʔaqam Community Lands); or

(d) directly or indirectly causing damage to a cultural heritage site.

(2) A person who is not an ʔaqamnik' (member of ʔaqam), who enters ʔaqam ʔamak (ʔaqam Lands) to, or while on ʔaqam ʔamak (ʔaqam Lands) participates in any of the following activities without a ʔat ʒxaʔ taʔ qaqaʔni (permit) from ʔiʔwatnaʔis ʔaqam (Council) must be deemed to be frequenting ʔaqam ʔamak (ʔaqam Lands) for a ʒxaʔ hitqatit qaqaʔni (prohibited purpose):

(a) ʔaʔnam (hunting), kaʔuqʔawut (fishing), or ʔitkaku (trapping);

(b) removing haʔqati (berries), kiʒintakki (roots), ʔakiʒtaʔin (trees), ʔa·knuqyuk (flowers), or any other qapi qapsin kqaki·kakiniʔ ʔamaks (natural resources) from ʔaqam ʔamak (ʔaqam Lands); or

(c) sa·n̄hiknaʔtitmu kqa·ʒmu (off-roading).

(3) A person who is not either an ʔaqamnik' (member of ʔaqam) or ʔakiktuʔnam ʔaqismaknik (community member), and who is ʒxakqanwisqa (loitering) on kitqawxawiʒkiniʔ ʔamak (ʔaqam Community Lands), must be deemed to be frequenting ʔaqam ʔamak (ʔaqam Lands) for a ʒxaʔ hitqatit qaqaʔni (prohibited purpose)

(4) Regardless of subsection (2), a person who is not an ʔaqamnik' (member of ʔaqam) and is found on ʔaqam ʔamak (ʔaqam Lands) is presumed not to have the consent of ʔiʔwatnaʔis ʔaqam (Council) to be on ʔaqam ʔamak (ʔaqam Lands).

***ʔat ʒxaʔ taʔ qaqaʔni ʒxaʔ ʔuquʔxam ʒ kiʔkiniʔ ʔaqam ʔamaks
(Permits to Enter and Use ʔaqam Lands)***

9. (1) A person who is not an ʔaqamnik' (member of ʔaqam) may be on ʔaqam ʔamak (ʔaqam Lands) for a purpose set out in paragraphs 8(2)(a) to (c) if they obtain a ʔat ʒxaʔ taʔ qaqaʔni (permit) either from:

(a) ʔiʔwatnaʔis ʔaqam (Council); or

(b) a person authorized by ʔiʔwatnaʔis ʔaqam (Council) to issue such ʔat ʒxaʔ taʔ qaqaʔni (permit).

***ʔat ʒxaʔ taʔ qaqaʔni kaʔnam, haʔuqʔawut ʔak ʔitkaku
(Permit for Hunting, Fishing or Trapping)***

(2) ʔiʔwatnaʔis ʔaqam (Council), or a person authorized by ʔiʔwatnaʔis ʔaqam (Council), may grant a person who is not an ʔaqamnik' (member of ʔaqam) a ʔat ʒxaʔ taʔ qaqaʔni (permit) to be on ʔaqam ʔamak (ʔaqam Lands) for the purpose of ʔaʔnam (hunting), kaʔuqʔawut (fishing) or ʔitkaku (trapping) by providing that person with a ʔat ʒxaʔ taʔ qaqaʔni (permit) setting out:

(a) the name, address, phone number and birthdate of the person to whom the ʔat ɕxaʔ taʔ qaqaʔni (permit) is granted;

(b) specific details setting out the areas, dates and times in which the person may participate in ʔaʔnam (hunting), kaʔuqʔawut (fishing) or ʔitkaku (trapping);

(c) the species and quota for which the person may ʔaʔnam (hunt), kaʔuqʔawut (fish) or ʔitkaku (trap);

(d) that if the person named in the ʔat ɕxaʔ taʔ qaqaʔni (permit) ʔaʔnam (hunts), kaʔuqʔawut (fishes) or ʔitkaku (traps) for any other species while on ʔaʔam ʔamak (ʔaʔam Lands) that the person will be in trespass and will be deemed to be entering ʔaʔam ʔamak (ʔaʔam Lands) for a ɕxaʔ hitqatit qaqaʔni (prohibited purpose); and

(e) any other condition deemed necessary for the protection or conservation of ʔaʔam ʔamak (ʔaʔam Lands), kaʔuqʔawut (fish) or wildlife.

ʔat ɕxaʔ taʔ qaqaʔni haʔqati ʔa·kuqʔiʔit, kikɕintakʔi, ʔakiɕʔaʔin, ʔa·knuqʔyukʔ tak qapi qapsin kqaki·kakiniʔ ʔamaks

(Permit for Removing Berries, Roots, Trees, Flowers or other Natural Resources)

(3) ʔitwatnaʔis ʔaʔam (Council), or a person authorized by ʔitwatnaʔis ʔaʔam (Council), may grant a person who is not an ʔaʔamnik (member of ʔaʔam) a ʔat ɕxaʔ taʔ qaqaʔni (permit) to be on ʔaʔam ʔamak (ʔaʔam Lands) for the purpose of removing ʔa·kuqʔiʔit (berries), kikɕintakʔi (roots), ʔakiɕʔaʔin (trees), ʔa·knuqʔyukʔ (flowers), or any other qapi qapsin kqaki·kakiniʔ ʔamaks (natural resources) from ʔaʔam ʔamak (ʔaʔam Lands) by providing that person with a ʔat ɕxaʔ taʔ qaqaʔni (permit) that sets out:

(a) the name, address, phone number and birthdate of the person to whom the ʔat ɕxaʔ taʔ qaqaʔni (permit) is granted;

(b) the areas, dates and times on which the person may remove haʔqati (berries), kikɕintakʔi (roots), ʔakiɕʔaʔin (trees), ʔa·knuqʔyukʔ (flowers) or any other qapi qapsin kqaki·kakiniʔ ʔamaks (natural resources) from ʔaʔam ʔamak (ʔaʔam Lands);

(c) the types of haʔqati (berries), kikɕintakʔi (roots), ʔakiɕʔaʔin (trees), ʔa·knuqʔyukʔ (flowers) or other qapi qapsin kqaki·kakiniʔ ʔamaks (natural resources) that may be removed from ʔaʔam ʔamak (ʔaʔam Lands) by the person named in the ʔat ɕxaʔ taʔ qaqaʔni (permit);

(d) that if the person named in the ʔat ɕxaʔ taʔ qaqaʔni (permit) removes haʔqati (berries), kikɕintakʔi (roots), ʔakiɕʔaʔin (trees), ʔa·knuqʔyukʔ (flowers) or other qapi qapsin kqaki·kakiniʔ ʔamaks (natural resources) from ʔaʔam ʔamak (ʔaʔam Lands) other than those set out in the permit that the person will be in trespass and will be deemed to be entering ʔaʔam ʔamak (ʔaʔam Lands) for a ɕxaʔ hitqatit qaqaʔni (prohibited purpose); and

(e) any other condition deemed necessary for the protection or conservation of ʔaḳam ʔamak (ʔaḳam Lands), kaṭuḳṭawut (fish) or wildlife.

ʔat ɕxaṭ taṭ qaqaʔni sa-nḥiknaʔtitmu kqa-ɕmu
(Permit for Off-roading)

(4) ʔitwaṭnaʔis ʔaḳam (Council), or a person authorized by ʔitwaṭnaʔis ʔaḳam (Council), may grant a person who is not an ʔaḳamnik' (member of ʔaḳam) a ʔat ɕxaṭ taṭ qaqaʔni (permit) to be on ʔaḳam ʔamak (ʔaḳam Lands) for the purpose of sa-nḥiknaʔtitmu kqa-ɕmu (off-roading) by providing that person with a ʔat ɕxaṭ taṭ qaqaʔni (permit) that sets out:

(a) the name, address, phone number and birthdate of the person to whom the ʔat ɕxaṭ taṭ qaqaʔni (permit) is granted;

(b) the areas, dates and times in which the person may off-road on ʔaḳam ʔamak (ʔaḳam Lands);

(c) the purpose for which the person may off-road on ʔaḳam ʔamak (ʔaḳam Lands);

(d) that if the person named in the ʔat ɕxaṭ taṭ qaqaʔni (permit) off-roads in a manner, during a time or for a purpose other than those set out in the ʔat ɕxaṭ taṭ qaqaʔni (permit) that the person will be in trespass and will be deemed to be entering ʔaḳam ʔamak (ʔaḳam Lands) for a ɕxaṭ hitḳaṭit qaqaʔni (prohibited purpose); and

(e) any other condition deemed necessary for the protection or conservation of ʔaḳam ʔamak (ʔaḳam Lands), kaṭuḳṭawut (fish) or wildlife.

ḳakiniṭ ʔuquʔxam ɕ kiṭkiniṭ ʔaḳam ʔamaks
(Cancellation of Permission to Enter ʔaḳam Lands)

10. ʔitwaṭnaʔis ʔaḳam (Council), or a person authorized by ʔitwaṭnaʔis ʔaḳam (Council) may, for any reason, cancel any ʔat ɕxaṭ taṭ qaqaʔni (permit) granted under section 9 by delivering a written notice of such cancellation to the person named in the ʔat ɕxaṭ taṭ qaqaʔni (permit), at the address provided in the ʔat ɕxaṭ taṭ qaqaʔni (permit).

ṅisnikɕik ʔat ɕxaṭ taṭ qaqaʔni
(Obligations of Permit Holder)

11. A person who is granted a ʔat ɕxaṭ taṭ qaqaʔni (permit) under section 9 must:

(a) if their address changes, immediately and in writing advise ʔaḳam of the change in their address; and

(b) carry on their person at all times while on ʔaḳam ʔamak (ʔaḳam Lands):

- (i) the original ʔat ɕxaʔ taʔ qaqaʔni (permit); and
- (ii) at least one (1) piece of government issued photographic identification.

**ʔawakakin ʔat ɕxaʔ taʔ qaqaʔni
(Duty to Produce Permit)**

12. A person who is granted a ʔat ɕxaʔ taʔ qaqaʔni (permit) under section 9 must, on request of either a kaqanxu (peace officer) or a person authorized by ʔitwatnaʔis ʔaqam (Council), produce to that person:

- (a) the original ʔat ɕxaʔ taʔ qaqaʔni (permit); and
- (b) at least one (1) piece of government issued photographic identification.

**PART IV
TRESPASS**

Trespass

13. A person is deemed to be in trespass if that person:

(a) is not either an ʔaqamnik (member of ʔaqam) or ʔakikʔunam ʔaqʔsmaknik (community member) and they enter or remain on kitqawxawiɕkinit ʔamak (ʔaqam Community Lands) unaccompanied by either an ʔaqamnik (member of ʔaqam) or a ʔakikʔunam ʔaqʔsmaknik (community member), unless that person is a kitusaqa (occupier) and is ʔa-kaʔaxwiʔits (accessing) those kitqawxawiɕkinit ʔamak (ʔaqam Community Lands) in accordance with either:

(i) a valid land instrument that is registered in the yaqawxaʔ ʔituqʔitqa kanuhus ʔaqʔsmaknik ʔamakʔis (First Nation Land Register), or

(ii) the terms of a rental agreement with ʔaqam; or

(b) is not a kitusaqa (occupier) and they enter or remain on privately held ʔaqam ʔamak (ʔaqam Lands) without the permission of the kitusaqa (occupier).

Exceptions to Trespass

14. Despite section 13:

sa·naqna
(Offences)

18. A person commits an offence if they:

- (a) are frequenting ṛaqam ṛamak (ṛaqam Lands) for a ḫxaḫ ḫitqatit qaqaḫni (prohibited purpose);
- (b) fail to produce a ḫat ḫxaḫ taḫ qaqaḫni (permit) as required under section 12;
- (c) fail to provide a kaqanxu (peace officer) or a person authorized by ḫitwaḫnaḫis ṛaqam (Council) with their correct name and address as required under section 15;
- (d) fail or refuse to comply with a demand to leave ṛaqam ṛamak (ṛaqam Lands) that is made by a kaqanxu (peace officer) or a person authorized by ḫitwaḫnaḫis ṛaqam (Council) under section 16; or
- (e) resist or interfere with a kaqanxu (peace officer) who is acting under section 17.

hakla·kxu
(Penalty)

19. (1) A person who is found guilty of an offence under this ḫa·knumuḫtitiḫ (Law) is liable:

- (a) in the case of a first offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding three (3) months, or to both; or
- (b) in the case of a subsequent offence, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six (6) months, or to both.

(2) A fine imposed under subsection (1) is payable directly to ṛaqam.

Warrant to Search, Seize and Arrest

20. A justice who is satisfied by information on oath that there are reasonable grounds to believe that an offence under this ḫa·knumuḫtitiḫ (Law) is being committed at any place within ṛaqam ṛamak (ṛaqam Lands), the justice may issue a warrant authorizing a kaqanxu (peace officer) to enter and search the place by day or night and seize anything found therein that may be evidence that an offence under this ḫa·knumuḫtitiḫ (Law) is being committed at that place, and to take into custody all persons who are found in or at that place and requiring those persons and things to be brought before that justice or before another justice having jurisdiction, to be dealt with according to law.

Search, Seize and Arrest without Warrant

21. A kaqanxu (peace officer) may, whether or not he is acting under a warrant issued pursuant to section 20, take into custody any person whom he finds committing an offence under section 18, and may seize anything that may be evidence that an offence under section 18 is being committed and must bring those persons and things before a justice having jurisdiction, to be dealt with according to law.

Summary Conviction Procedures Apply

22. An offence under this law must be tried in accordance with Part XXVII of the *Criminal Code*, as amended from time to time.

PART VI CIN QAPI QAPSIN

(GENERAL)

ʔitwatnaʔis ʔaqam (Council) Delegation of Powers

23. ʔitwatnaʔis ʔaqam (Council) may delegate any power conferred upon ʔitwatnaʔis ʔaqam (Council) under this ʔa·knumuʕtitiʔ (Law) to an employee of ʔaqam.

Kʕtaʔ ʔakʔanaʔ ʔitkiniʔ (Power to Make Amendments)

24. ʔitwatnaʔis ʔaqam (Council) may, in accordance with this Part, make kʕtaʔ ʔitkiniʔ (amendments) to this ʔa·knumuʕtitiʔ (Law).

ʔakʔanaʔ ʔinʕiʔtiʔ (Non-Substantive Amendments)

25. ʔakʔanaʔ ʔinʕiʔtiʔ (Non-Substantive Amendments) to this ʔa·knumuʕtitiʔ (Law) may be made by band council resolution.

Kʕakʔanaʔ ʔinʕiʔtiʔ (Other Amendments)

26. Amendments other than ʔakʔanaʔ ʔinʕiʔtiʔ (non-substantive amendments) to this ʔa·knumuʕtitiʔ (Law) must be made in accordance with section 7 of the *ʔaqam Amended Land Code*.

Kʕitkiniʔ kʕxaʔ hanmaka (Power to Prescribe Fees)

27. ʔitwatnaʔis ʔaqam (Council) may prescribe:

(a) the hanmaka (fees) that may be charged in respect of applications for a ʔat ɕxaʔ taʔ qaqaʔni (permit) under this ʔa·knumuɕtitiʔ (Law); and

(b) annual hanmaka (fees) for a ʔat ɕxaʔ taʔ qaqaʔni (permit) issued pursuant to this ʔa·knumuɕtitiʔ (Law).

**PART VII
YISUSAE ʕINAKNIĒKI
(EFFECTIVE DATE)**

28. This ʔa·knumuɕtitiʔ (Law) comes into force and effect on the date it is passed by ʔiʔwaʔnaʔis ʔaʔam (Council), by band council resolution.

This ʔa·knumuɕtitiʔ (Law) is hereby passed at a duly convened meeting of the ʔiʔwaʔnaʔis ʔaʔam (Council) this 16 day of May, 2017.

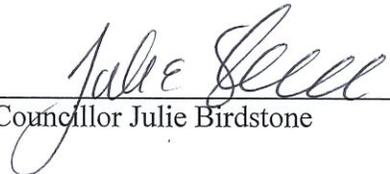


Chief Joe Pierre Jr.



Councillor Corrie Walkley

Councillor Vickie Thomas



Councillor Julie Birdstone

Councillor Codie Morigeau

Being the majority of those members of the ʔiʔwaʔnaʔis ʔaʔam (Council) present at the aforesaid meeting of ʔiʔwaʔnaʔis ʔaʔam (Council).

The quorum of ʔiʔwaʔnaʔis ʔaʔam (Council) is three (3) members.

Number of members of ʔiʔwaʔnaʔis ʔaʔam (Council) present at the meeting: 3

BAND COUNCIL RESOLUTION

	Chronological no. – 981-90-564
The council of the ʔaqam (St. Mary's Indian Band) 7470 Mission Road Cranbrook B.C. V1C 7E5	
Date of duly convened meeting This 16th day of May, 2017 in the Province of British Columbia	

WHEREAS:

A. ʔaqamnik' (members of ʔaqam) have an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35(1) of the *Constitution Act, 1982*;

B. Pursuant to the subsection 6(3) of the *First Nations Land Management Act* and clause 6.1 of the *Framework Agreement*, a First Nation may enter into an Individual Transfer Agreement with the Minister describing the land that must be subject to a land code, providing for the transfer and administration of that land and a description of the interests or rights and licenses that have been granted by Canada to the First Nation in relation to that land, and the date and other terms of the transfer to the First Nation of Canada's rights and obligations as grantor of those interests or rights and licenses, and setting out the environmental assessment process that must apply to projects on that land until the enactment of a First Nations law in relation to that subject;

C. The ʔaqamnik' strive to:

- Reconnect with the spirit of ʔaqam ʔamak and all living things on ʔaqam ʔamak
- Strengthen our stewardship skills and knowledge of ʔaqam ʔamak, and
- Preserve and protect the cultural resources, sacred sites, and ancestral remains located within ʔaqam ʔamak

D. ʔaqam signed an *Individual Agreement* with Canada on June 18, 2014

E. Pursuant to section 6 of the *First Nations Land Management Act* a First Nation that wishes to establish a land management regime in accordance with the *Framework Agreement* and the *First Nations Land Management Act* must adopt a land code applicable to all land in a reserve of the First Nation;

F. The ʔaqamnik' voted in favour of the *St. Mary's Indian Band Land Code* at a ratification vote held on April 14-16, 2014 and the *St. Mary's Indian Band Land Code* came into effect on July 1, 2014;

G. The ʔaqamnik' voted in favour of amendments to the *St. Mary's Indian Band Land Code* at a Meeting of Members vote held in accordance with section 48.1 and 13.1 to 13.9 of the *St. Mary's Indian Band Land Code* on February 25, 2016, which has become the *ʔaqam Amended Land Code*;

H. Pursuant to section 6.4 of the *ʔaqam Amended Land Code*, the Council of ʔaqam may enact a law in relation to: environmental protection, the protection of archeological and cultural

resources; the removal and punishment of persons trespassing upon ?aqam Lands or frequenting ?aqam Lands for a prohibited purpose; and the enforcement of laws;

I. The Council of ?aqam deems it to be in the best interests of ?aqam to make a law for such purposes; and

J. The Council of ?aqam has held a community land code meeting regarding this law in accordance with sections 7.6 to 7.9 of the *?aqam Amended Land Code*, and has considered any objections raised by ?aqamnik;

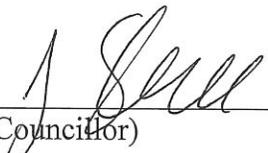
NOW THEREFORE the Council of ?aqam duly enacts as follows:

THAT pursuant to Section 7.14 of the *?aqam Amended Land Code, 2016*, the Council of ?aqam enacts the Final Draft of ?a·ka?axwi?its ?a·knumu?iti? ?aqamnik ?a·makis (Trespass and Access to ?aqam Lands Law, 2017) at Third Reading as Law, which takes effect on the date of this Band Council Resolution.

Quorum 3



(Chief)



(Councillor)



(Councillor)

(Councillor)

(Councillor)