

Application for Registration

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Send Two Copies to:

Aboriginal Affairs and Northern Development Canada
Indian Lands Registry
Terrasses de la Chaudière
Ottawa, Ontario K1A 0H4
Attention: Registrar of Indian Lands

<u>Registration Number</u> 4033196	<u>Received Date</u>	<u>Regional File Number</u> TZ5643-8058
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NAME OF PARTIES TO INSTRUMENT	
<u>Name</u> 575 - Tzeachten	Grantor
<u>Name</u> 575 Tzeachten	Grantee

Instrument Type	Law 221
Instrument Date	2020/03/26
FN/SG Land Code	
Purpose	OTHER
Remarks	

LAND DESCRIPTION	
Province :	
Reserve Name	
Crown Land Name	
Legal Description - Land Affected	ALL OF TZEACHTEN #13

List of Supporting documentation (must be attached to document or a registration number quoted)

Applicant Email :

Band Email : CRYSTAL@TZEACHTEN.CA

Signature of Applicant	()	Tel. number of Applicant	email	Date
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CRYSTAL	Return To :
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Registration NumberRegistration Date: _____ and Time: _____

Signature of Registration Officer _____ Date _____

Comments

Clarification

Signature of Registration Officer **Date**



**TZEACHTEN FIRST NATION
COMMUNITY QUALITY AND
PROTECTION LAW**



TABLE OF CONTENTS

PART 1.	NAME	2
PART 2.	PURPOSE	2
PART 3.	AMENDMENT	2
PART 4.	WHERE THIS LAW APPLIES	2
PART 5.	DEFINITIONS	3
PART 6.	GENERAL PROVISIONS	5
PART 7.	APPOINTMENT OF TZEACHTEN OFFICIAL.....	5
PART 8.	PROHIBITION AGAINST DISORDERLY CONDUCT, CAUSING A NUISANCE, AND UNAUTHORIZED BURNING	5
PART 9.	NO UNSIGHTLY PREMISES	6
PART 10.	ENFORCEMENT OF PROHIBITION AGAINST DISORDERLY CONDUCT OR CAUSING A NUISANCE	7
PART 11.	DETERMINATION OF A DESIGNATED INDIVIDUAL	8
PART 12.	CONTENT AND DELIVERY OF TZEACHTEN RESTRAINING ORDER.....	10
PART 13.	NOTICE	10
PART 14.	ALTERNATIVES FOR PARTICIPATION	11
PART 15.	IF DESIGNATED INDIVIDUAL HAS AN INTEREST IN TZEACHTEN LANDS	12
PART 16.	DESIGNATED INDIVIDUAL MAY NOT ACQUIRE RIGHT OR INTEREST IN TZEACHTEN LANDS	12
PART 17.	MODIFICATION OR CANCELLATION OF DESIGNATION OR TZEACHTEN RESTRAINING ORDER.....	13
PART 18.	REVIEW OF COUNCIL DECISIONS	14
PART 19.	NO LIABILITY FOR DECISIONS MADE IN GOOD FAITH	14
PART 20.	DUTY TO REPORT	14
PART 21.	ENFORCEMENT OF TZEACHTEN RESTRAINING ORDER	14
PART 22.	OFFENCES AND PENALTIES	15
PART 23.	DELIVERY	16
PART 24.	REGULATIONS, FEES AND FORMS	16
PART 25.	COMING INTO FORCE.....	16

WHEREAS:

- A. Tzeachten First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. Tzeachten had traditional laws and mechanisms to deal with community members who were threatening or harmful to the community;
- C. Tzeachten has taken over control and management of Tzeachten Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Tzeachten Land Code* effective the 21st day of August, 2008;
- D. Under section 3.3 of the *Tzeachten Land Code*, Tzeachten Council is authorized to pass various laws including laws relating to
 - (a) the regulation, control, authorization and prohibition of access and occupation of Tzeachten Lands,
 - (b) the removal and punishment of persons trespassing upon Tzeachten Lands or frequenting Tzeachten Lands for prohibited purposes, and
 - (c) public and private nuisance;
- E. Council passed the *Tzeachten Community Protection Law* on October 17, 2016 and Council wishes to build on that law and expand on the subject matters covered by that law:
- F. Council wishes to implement measures to support a clean and healthy community, to encourage people to be good neighbours, and to safeguard against potentially dangerous and disruptive behaviour on Tzeachten Lands;

NOW THEREFORE this *Tzeachten Community Quality and Protection Law* is hereby enacted at a duly convened meeting as a Law of the Tzeachten First Nation.

PART 1. NAME

- 1.1 This Law may be cited as the *Tzeachten Community Quality and Protection Law*.

PART 2. PURPOSE

- 2.1 The purpose of this Law is to support a clean and healthy community, to encourage people to be good neighbours, and to address potentially disruptive, destructive or dangerous behaviour or conduct on Tzeachten Lands.

PART 3. AMENDMENT

- 3.1 The *Tzeachten Community Protection Law* passed by Council on October 17, 2016 is hereby amended by this law.

PART 4. WHERE THIS LAW APPLIES

- 3.1 The provisions of this Law apply to the whole area of Tzeachten Lands as defined in

the Land Code.

PART 5. DEFINITIONS

5.1 For the purposes of this Law, terms have the same definitions as in the Land Code;

5.2 For the purposes of this Law, the following definitions apply:

“Burning Permit” means a burning permit issued under PART 8;

“Criminal Code” means the *Criminal Code of Canada* as amended or replaced from time to time;

“Designated Individual” means a person who has been determined to be a Designated Individual by Council under section 11.1 or 11.2;

“Derelict Materials” includes any Vehicle, boat, trailer, appliance, furniture, machinery, toy, sporting equipment, or tools or part thereof, which, unless exempted by the Lands Manager in writing, is physically wrecked, damaged or disabled, or not in use, and:

- (a) is not capable of operating under its own power;
- (b) is no longer reasonably usable for its original intended purpose; or
- (c) in the case of a Vehicle is not in the open, unlicensed and unsightly.

“Discarded Materials” includes, subject to subsection 9.2 [*unsightly premises*] and unless exempted under a permit or by the Lands Manager in writing, all materials not in use, or demonstrably planned for use within the next three months, or in a dismantled state, and includes:

- (a) the accumulation of filth, discarded materials or rubbish of any kind;
 - (b) construction debris, including wood, roofing, siding, drywall, wiring, pipes, and other materials that are not attached and functional in relation to a building;
 - (c) construction materials;
 - (d) dead animals or parts of animals;
 - (e) paper, glass, metal, rubber, plastics or similar materials;
 - (f) wire or ropes; and
 - (g) any other scrap or salvage,
- but excludes yard and gardening implements and tools;

“Disorderly Conduct” means any act or behaviour, including:

- (a) fighting or brawling;
- (b) using abusive language;
- (c) using offensive or indecent gestures or displays;
- (d) being drunk and disorderly;
- (e) loitering;
- (f) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other object or thing as a weapon;

- (g) interfering in any significant manner with the orderly conduct of commercial, administrative, Council, educational, recreational, health care, legal, political, religious or ceremonial meetings, functions, gatherings or activities on Tzeachten Lands;
 - (h) making threats or being abusive to any Tzeachten Chief, Councillor, staff member, contractor, Member or resident or visitor on Tzeachten Lands, regardless of whether the threats or abusive communications are in person, in writing, by mail or via electronic communications including telephone, e-mail or posting on social media;
 - (i) refusing to leave any Community Lands or any public area on Tzeachten Lands when directed to do so by an Enforcement Officer;
 - (j) urinating or defecating in a public area; and
 - (k) any other disorderly behaviour;
- that disrupts or may disrupt public order on Tzeachten Lands, scandalizes the community, or causes or may cause inconvenience, annoyance or alarm to Members or the community;

“Land Code” means the Tzeachten First Nation Land Code;

“Nuisance” includes public nuisance and private nuisance and means any act, activity or condition that constitutes nuisance or is defined as Nuisance in this law, including:

- (a) making or causing any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of Members, the public, or persons in the vicinity;
- (b) the creation of noxious or unpleasant smells;
- (c) burning tires, yard waste, trees, stumps, garbage or other substances, or setting, starting or kindling open air burning or allowing or permitting open air burning to continue to burn during fire closures, potentially dangerous conditions or times prohibited by Council by Resolution or Regulation, except in accordance with Tzeachten Laws or a permit or authorization from Tzeachten;
- (d) burning fires larger than 1.5m wide or high, or burning stumps or timber for land clearing or related purposes;
- (e) creating or allowing unsightly premises including by allowing garbage waste or Discarded Materials or Derelict Materials to accumulate in a Person’s yard or on Tzeachten’s land, or keeping a Persons’ home or yard in a condition that is lacking in care and maintenance that it becomes unsightly or offensive;
- (f) dumping or allowing to accumulate remains or carcasses of fish or animals anywhere on Tzeachten Lands, except those respectfully disposed of by Tzeachten Members in accordance with Tzeachten cultures and traditions accepted by the Tzeachten community, or those that are properly placed in garbage or composting containers;
- (g) vandalism, including removing, defacing, destroying, mutilating, or in any manner whatsoever damaging or attempting to damage land, structures or property;
- (h) trespass; and
- (i) any other act;

that materially impairs or interferes with the use and enjoyment of Tzeachten's or a Person's property, or that prejudicially affects a Person's or the community's health, comfort, safety, welfare or convenience, but does not include any act, activity or condition to the extent it is unavoidably necessary for carrying on any lawful business or activity for which a permit or authorization has been provided by the Tzeachten;

"Sexual Offence" means an offence under sections 151 to 173 of the Criminal Code or an equivalent offence contained in a federal or state statute of the United States of America or any other country;

"Tzeachten Official" means a person appointed under section 7.1;

"Tzeachten Restraining Order" means an order made under section 11.4(b);

"Vehicle" includes any type of cars, trucks, trailers, RVs, ATVs, tractors, golf carts, skidoos, motorcycles, and scooters; and

"Violent Offence" means an offence under sections 229 to 240, 244 to 248, 264 to 273 and 279 to 286 of the Criminal Code or an equivalent offence contained in a federal or state statute of the United States of America or any other country.

PART 6. GENERAL PROVISIONS

6.1 The headings of parts and sections in this Law have been inserted as a matter of convenience and for reference only and in no way define or limit or any of its provisions.

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

PART 7. APPOINTMENT OF TZEACHTEN OFFICIAL

7.1 Council shall, by Council Resolution, appoint one or more Tzeachten Officials to carry out the duties of the Tzeachten Official as set out in this Law.

7.2 A Tzeachten Official may be

- (a) an Enforcement Officer,
- (b) a Tzeachten elected representative,
- (c) a Tzeachten staff member or contractor, or
- (d) any other individual or organization designated under subsection 7.1.

PART 8. PROHIBITION AGAINST DISORDERLY CONDUCT, CAUSING A NUISANCE, AND UNAUTHORIZED BURNING

Prohibition

8.1 No person shall engage in any Disorderly Conduct or cause or create a Nuisance.

Burning and Burning Permits

8.2 A Person is not creating a Nuisance nor contravening subsection 8.1 if they are:

(a) burning for legitimate cultural purposes and the burning takes place in a safe location and in a safe manner with an appropriate hose or extinguishment pump nearby; or

(b) burning small campfires or fish smoking fires less than 75 cm in diameter or height with wood only, in safe locations in a safe manner during approved fire seasons, and with an appropriate hose or extinguishment pump nearby;

and the individuals accept all risks and liability and indemnify Tzeachten against all claims, damages and losses;

or

(c) carrying out burning of organic yard waste in a fire less than 1.5m wide or high and apply to the Lands Manager in the prescribed form, pay any prescribed fees, and receive a valid Burning Permit.

8.3 The Lands Manager may issue a Burning Permit to a Person who applies under subsection 8.2 provided that:

(a) the burning take place during burning seasons consistent with local government burning seasons;

(b) the Person only burns organic yard waste or appropriate materials from their own yard;

(c) the burning will not take place during a period of provincial fire closures unless the burning is for cultural purposes, permitted and can be carried out in a safe manner;

(d) the burning complies with the setback and clearance requirements set out in the City of Chilliwack's Open Air Burning Bylaw;

(e) the burning must minimize risks and not produce heavy or toxic smoke or fly ash, obscure visibility in public areas or on public roads, or unduly disturb or inconvenience the neighbours or other residents or individuals on Tzeachten Lands;

(f) agrees to access by any Tzeachten representative, enforcement office or the Fire Department and respect any orders from any of them relating to fire management or extinguishment;

(g) the applicant agrees to put in place any safety or protective measures required by Tzeachten or the Fire Department;

(h) the applicant provides phone and e-mail contact information for the person managing the fire;

(i) the applicant agrees to release and indemnify Tzeachten from and against any liability; and

(j) the applicant meets any other requirements set out in Tzeachten law, regulations or policy.

PART 9. NO UNSIGHTLY PREMISES

Unsightly Premises

9.1 No Person may keep Derelict Material on their lands or any parts thereof, or on

Tzeachten First Nation Lands, unless enclosed in a structure in accordance with Tzeachten regulations and policies which, unless otherwise stated, may include a portable or permanent shed or other similar covering or structure.

- 9.2 For certainty, unless authorized by a permit or exemption from the Lands Manager in writing, no Person or Occupant may abandon or store Derelict Materials or Discarded Materials, on Tzeachten First Nation Lands, unless the materials:
- (a) do not present a health or safety risk; and
 - (b) are enclosed in a structure in accordance with Tzeachten regulations and policies which, unless otherwise stated, may include a portable or permanent shed or similar structure.
- 9.3 No Person or Occupant with an interest in urban residential CP lands or leased lands shall allow within their lands:
- (a) lawns, grass or weeds to grow higher than 0.3m;
- 9.4 No Person or Occupant with an interest in urban residential CP lands or leased lands shall allow invasive plants or invasive weeds, including Japanese knotweed and invasive blackberries, to grow on their lands within 0.5 m from any lot line or to spread from their lands to neighbouring lands.

PART 10. ENFORCEMENT OF PROHIBITION AGAINST DISORDERLY CONDUCT OR CAUSING A NUISANCE

Order to Stop

- 10.1 An Enforcement Officer may
- (a) order any person who is threatening or engaging in any Disorderly Conduct or threatening or causing or creating a Nuisance to immediately stop; or
 - (b) order any person to stop the Disorderly Conduct or Nuisance within a reasonable period of time.

Reasonable Time

- 10.2 In determining whether a period of time fixed under section 10.1(b) is reasonable, the Enforcement Officer shall take into account:
- (a) the nature and extent of the Disorderly Conduct or Nuisance;
 - (b) the potential impact on persons or property and on the health and well-being of Tzeachten and Members;
 - (c) the methods available to stop the Disorderly Conduct or Nuisance;
 - (d) the appropriate time required to stop the Disorderly Conduct or Nuisance; and
 - (e) the effect of the order on any lawful business or lawful means of livelihood of the person who is the subject of an order.

Refusal to comply

- 10.3 Where a Person who has been ordered to stop engaging in Disorderly Conduct, or to refrain from causing a Nuisance within a specified period of time, under section 10.1, fails or refuses to comply with the order, an Enforcement Officer may take such reasonable measures as are necessary to stop the Disorderly Conduct, or to prevent or

to stop the Nuisance, which may include removing a person from a location, facility, function, activity meeting or gathering on Tzeachten Lands.

Warnings, Orders, Tickets, Penalties

10.4 Despite any other penalties or enforcement measures, and without limiting an Enforcement Officer's powers at law, including pursuant to a Tzeachten Law that addresses enforcement powers of Enforcement Officers, where any Person has engaged in Disorderly Conduct or caused or created a Nuisance:

- (a) an Enforcement Officer may issue a warning, order, ticket, violation notice, information or summons in a form and, if applicable, subject to the fines or penalties, authorized by Council Resolution, this Law, or any other applicable law;
- (b) where the Person who has engaged in the Disorderly Conduct or caused or created a Nuisance is a taxpayer, is assessed a fine or penalty prescribed by regulation or set out in the *Enforcement and Ticketing Law*, and fails to pay within thirty (30) days, the Tzeachten Taxation Administrator may add the amount owing that Person's property taxes and collect them as "Taxes" under the *Property Taxation Law*; and
- (c) where the Person who has engaged in the Disorderly Conduct or caused or created a Nuisance is a Tzeachten Member, is assessed a fine or penalty prescribed by regulation or set out in the *Enforcement and Ticketing Law*, and fails to pay within thirty (30) days, Council may order that moneys be withheld from community distributions or CAB funding or similar amounts to pay the outstanding amounts.

10.5 Where possible, in non-emergency situations, and subject to Tzeachten laws, regulations and policies, enforcement measures will begin with education and warnings to encourage voluntary compliance.

Remediation Order

10.6 An Enforcement Officer or Council may issue a remediation order to compel a Person who has engaged in Disorderly Conduct or caused or created a Nuisance to repair or clean up any damage they have caused or to otherwise make amends and if the Person fails to carry out the remediation, Council, or the Lands Manager or Property and Public Works Manager, may order it carried out by Tzeachten or a contractor and billed to the Person and may authorize an Enforcement Officer to accompany.

All Remedies Retained

10.7 Nothing in this Law precludes Tzeachten from pursuing any other enforcement action or remedy to address Disorderly Conduct or a Nuisance provided for under common law or in any other relevant law.

PART 11.DETERMINATION OF A DESIGNATED INDIVIDUAL

Conviction

11.1 If Council, acting reasonably and in good faith, believes that a Person

- (a) has been convicted of a Sexual Offence or a Violent Offence; and

(b) poses a serious threat to the physical or psychological health, safety or wellbeing of a person residing on Tzeachten Lands or using Tzeachten facilities, Council may make a determination that the person is a Designated Individual for a period of no longer than five (5) years.

Designation Without Conviction

11.2 In addition to Council's authority under section 11.1, if Council has credible information that a Person

- (a) has been charged with a Sexual Offence or Violent Offence;
- (b) has caused serious harm or poses a serious threat to the physical or psychological health, safety or wellbeing of one or more Persons on Tzeachten Lands; or
- (c) has engaged or may engage in Disorderly Conduct or has caused or created or may cause or create a Nuisance at a Tzeachten meeting, gathering or undertaking,

Council may designate the Person as a Designated Individual for a period of no longer than three (3) months at a time.

Best Interest of Tzeachten

11.3 Council must not pass a Council Resolution under sections 11.1 or 11.2 unless it determines, in good faith, that doing so is in the best interests of Tzeachten, taking into account the interests of the Person and the interests of Tzeachten.

Terms and Conditions

11.4 Subject to the limitations imposed by law, Council may authorize such terms and conditions as Council deems just and appropriate to restrict or prohibit the presence of a Designated Individual on Tzeachten Lands or an area of Tzeachten Lands, which may include the following:

- (a) posting the name of a Designated Individual at a Tzeachten facility or otherwise informing Members and residents of Tzeachten Lands of the presence of a Designated Individual on Tzeachten Lands;
- (b) issuing a Tzeachten Restraining Order to:
 - (i) prohibit or prevent a person from using or accessing Tzeachten computers, servers, e-mail addresses, copiers, notice boards, equipment or facilities;
 - (ii) prohibit or restrict a Designated Individual from attending specified locations or events on Tzeachten Lands or being present within specified areas or facilities on Tzeachten Lands during specified dates or times,
 - (iii) prohibit a Designated Individual from being within a prescribed distance from
 - (A) specified locations or events, or
 - (B) a particular Person, or
 - (iv) for a Designated Individual determined under section 11.1,
 - (A) evict the Designated Individual from housing leased on Tzeachten Lands for a specified period of time, or
 - (B) banish the Designated Individual from using, occupying, or possessing Tzeachten Lands for a specified time period not exceeding one (1) year.

Expiry of Tzeachten Restraining Order

11.5 Subject to the time limit imposed on the designation of a Designated Individual under section 11.2, and the time limit imposed on banishment under section 11.4(b)(iv)(A), a Tzeachten Restraining Order must expire within five (5) years from the date the Tzeachten Restraining Order becomes effective.

Eviction

11.6 A Tzeachten Restraining Order that includes a term evicting a Designated Individual residing on Tzeachten Lands under a lease under section 11.4(b)(iv)(A), the term takes effect 48 hours after service of the Tzeachten Restraining Order in accordance with section 13.1.

Banishment

11.7 A Tzeachten Restraining Order that includes a term banishing a Designated Individual under section 11.4(b)(iv)(A)

- (a) takes effect 48 hours after service of the Council Resolution in accordance with section 13.1; and
- (b) may be renewed by Council on a yearly basis but only after Council has carried out a detailed review and re-assessment.

Council Resolution

11.8 All decisions, determinations or orders made under this Part must be made pursuant to a Council Resolution.

PART 12. CONTENT AND DELIVERY OF TZEACHTEN RESTRAINING ORDER

Contents of Tzeachten Restraining Order

12.1 A Tzeachten Restraining Order must contain:

- (a) the name of the Designated Individual and sufficient identifying information;
- (b) the offence for which the Designated Individual was convicted, if applicable;
- (c) the date upon which the Designated Individual was convicted for the offence, if applicable;
- (d) the date upon which the Tzeachten Restraining Order was authorized by Council Resolution;
- (e) the date upon which the Tzeachten Restraining Order was issued;
- (f) the date upon which the Tzeachten Restraining Order becomes effective;
- (g) the date upon which the Tzeachten Restraining Order expires;
- (h) any terms or conditions imposed or required by the Council Resolution;
- (i) if applicable, a list of building or areas or a map of Tzeachten Lands clearly showing the specific locations for which a Designated Individual's access is prohibited or restricted; and
- (j) information stating that the individual may request a review or appeal of the Tzeachten Restraining Order.

PART 13. NOTICE

Notice to Designated Individual

- 13.1 A Tzeachten Official shall, within fourteen (14) days of the date upon which the applicable Council Resolution was made, personally serve a Person for whom or against whom Council
- (a) has determined to be a Designated Individual under section 11.1 or 11.2; or
 - (b) has issued a Tzeachten Restraining Order
- with a copy of the Council Resolution or Tzeachten Restraining Order, as applicable, and a summary of Council's reasons.

General Notice of Tzeachten Restraining Order

- 13.2 If Council authorizes a Tzeachten Restraining Order, subject to any written directions from Council, the Tzeachten Official shall, within fourteen (14) days from the date of the Council Resolution authorizing the Tzeachten Restraining Order:
- (a) deliver a copy of the Tzeachten Restraining Order to:
 - (i) each employer of the Designated Individual that is located on Tzeachten Lands;
 - (ii) each employer of the Designated Individual that is not located on Tzeachten Lands if, in the opinion of the Tzeachten Official, the Designated Individual's employment with that employer could require the Designated Individual to enter onto the prohibited areas described in the Tzeachten Restraining Order;
 - (iii) the local RCMP detachment;
 - (iv) any Tzeachten staff or departments which Council or the General Manager directs in writing; and
 - (v) each Tzeachten facility or office identified as a prohibited area in the Tzeachten Restraining Order, with instructions that it be posted in a place visible to all employees and volunteers of the facility or office; and
 - (b) if Council determines that it is necessary, post a summary of the Tzeachten Restraining Order in the appropriate location, taking into account the rights interests of the community and the rights and interests of the individual.

PART 14. ALTERNATIVES FOR PARTICIPATION

Meeting Materials

- 14.1 If a Designated Individual who is the subject of a Tzeachten Restraining Order and who is also a Member is prevented from attending a Tzeachten general assembly for Members or other similar meeting on Tzeachten Lands, Council shall
- (a) provide the Designated Individual with a copy of the agenda and any proposed resolutions in advance of the meeting; and
 - (b) invite written comments from the Designated Individual on the documents provided under subsection (a).

Accessing Programs and Services

- 14.2 If a Designated Individual who is the subject of a Tzeachten Restraining Order and who is also a Member is prevented from accessing information, programs or services that are available to other Members, excluding Tzeachten Community Benefit payments, Council shall ensure that other alternatives are in place for the

Designated Individual to access the information, programs or services, as appropriate.

Attending an Election or Ratification Vote

14.3 Despite the terms of a Tzeachten Restraining Order, a Designated Individual who is the subject of a Tzeachten Restraining Order and who is also a Member may attend a Tzeachten facility for the purpose of participating in a Tzeachten election for Tzeachten Council, or a Tzeachten Ratification Vote, if:

- (a) the Designated Individual notifies the Tzeachten Official not less than seven (7) days before the date on which the Designated Individual proposes to attend at the Tzeachten facility, and then only in accordance with any terms imposed by the Tzeachten Official; or
- (b) the terms of the Designated Individual's Tzeachten Restraining Order allow, and then only in accordance with those terms.

PART 15. IF DESIGNATED INDIVIDUAL HAS AN INTEREST IN TZEACHTEN LANDS

15.1 Subject to Council's authority to evict a Designated Individual residing on Tzeachten Lands under a lease under section 11.4(b)(iv), if a Designated Individual who is the subject of a Tzeachten Restraining Order has a right or Interest in Tzeachten Lands within an area prohibited under the order, the Tzeachten Restraining Order must:

- (a) provide for the Designated Individual to have access to those lands associated with the right or Interest; and
- (b) include a map of Tzeachten Lands clearly showing the means by which the Designated Individual is permitted to access those lands and the Designated Individual may access those lands in accordance with the Tzeachten Restraining Order.

PART 16. DESIGNATED INDIVIDUAL MAY NOT ACQUIRE RIGHT OR INTEREST IN TZEACHTEN LANDS

Non-Member

16.1 A Designated Individual who is subject to a Tzeachten Restraining Order and is not a Member may not acquire a right or Interest in Tzeachten Lands that is within an area prohibited under the Tzeachten Restraining Order.

Member

16.2 A Designated Individual who is subject to a Tzeachten Restraining Order and is also a Member may acquire a right or Interest in Tzeachten Lands that is within an area prohibited under the Tzeachten Restraining Order, but only by testamentary disposition in a valid will and remains subject to the terms and conditions set out in the Tzeachten Restraining Order.

Notice Required

16.3 If a Designated Individual who is subject to a Tzeachten Restraining Order acquires a right or Interest under section 16.2, the Designated Individual must notify the

Tzeachten Official of the existence of the right or Interest within thirty (30) days from the date of the registration in the Tzeachten Lands Register of that right or Interest.

Modify Tzeachten Restraining Order

16.4 Upon receipt of the notification in subsection 16.3, the Tzeachten Official shall:

- (a) modify the Tzeachten Restraining Order to provide for access to the lands that are the subject of the right or Interest in accordance with section 16.1; and
- (b) deliver a copy of the modified Tzeachten Restraining Order to in accordance with subsections 13.1 and 13.2.

PART 17. MODIFICATION OR CANCELLATION OF DESIGNATION OR TZEACHTEN RESTRAINING ORDER

17.1 Council may modify or cancel

- (a) a Designated Individual determination under section 11.1 or 11.2; or
 - (b) a Tzeachten Restraining Order
- at any time if it is satisfied that the circumstances described in section 11.1 or 11.2, as applicable, no longer exist and that the safety of the community or any Person on Tzeachten Lands would not be compromised by modifying, cancelling or removing the Designated Individual determination or the Tzeachten Restraining Order.

Application to Council

17.2 A Designated Individual may apply in writing to Council to modify or cancel

- (a) the Designated Individual determination under sections 11.1 or 11.2; or
- (b) a Tzeachten Restraining Order, if applicable.

17.3 Any application from a Designated Individual must:

- (a) contain a specific request setting out what the Designated Individual wishes Council to review and any specific proposals to modify or cancel the designation or Tzeachten Restraining Order;
- (b) contain details and information to support the application; and
- (c) be submitted to the General Manager no more frequently than within sixty (60) days of the last request to Council to modify or cancel the designation or Tzeachten Restraining Order.

17.4 Within thirty (30) days of receiving an application under section 17.2, Council shall:

- (a) consider the application; and
- (b) either:
 - (i) approve the application, or
 - (ii) reject the application.

17.5 The portion of the Council meeting held under section 17.3(a) must be held *in camera*.

Council Resolution

17.6 All decisions, determinations or orders made under this Part must be made pursuant to a Council Resolution.

PART 18. REVIEW OF COUNCIL DECISIONS

Final and binding

18.1 A decision of Council under sections 11.1 or 11.2, 11.4(b), or 17.1 is final and binding.

Court Review

18.2 Notwithstanding section 18.1, a Designated Individual may apply to the court, solely at their own expense, for a review of a Council decision under sections 11.1 or 11.2, 11.4(b), or 17.1.

Standard of Review

18.3 The standard of review of an application under section 18.2 is reasonableness.

Time limit

18.4 An application under section 18.2 must be brought within thirty (30) days after service of Council's decision in accordance with section 13.1.

No Stay

18.5 An application under section 18.2 does not operate as a stay of a removal order.

PART 19. NO LIABILITY FOR DECISIONS MADE IN GOOD FAITH

19.1 Tzeachten, including Council, or any Person acting on authority of, or under the direction of Council, is not liable for any damage arising from

- (a) making a determination that a person is a Designated Individual;
- (b) making a Tzeachten Restraining Order;
- (c) enforcing any aspect of this law

providing that the determination under subsection (a) and that the Tzeachten Restraining Order under subsection (b) was made in good faith.

PART 20. DUTY TO REPORT

20.1 A person who has reasonable grounds to believe that a Designated Individual has breached any requirement, term or condition of a Tzeachten Restraining Order shall immediately report these grounds to the General Manager, Lands Manager or an Enforcement Officer.

PART 21. ENFORCEMENT OF TZEACHTEN RESTRAINING ORDER

21.1 If a Designated Individual fails or refuses to comply with any requirement, term or condition of a Tzeachten Restraining Order made in accordance with this Law and delivered in accordance with section 13.1, without limiting an Enforcement Officer's powers at law, including pursuant to a Tzeachten Law that addresses enforcement powers of Enforcement Officers, an Enforcement Officer may take such reasonable measures as are necessary to enforce that order, and without limiting the generality of the foregoing, may:

- (a) issue a warning, order, ticket, violation notice, information or summons in a form and, if applicable, subject to the fines or penalties authorized by Council

- Resolution, this Law, or any other applicable law, to a Designated Individual who is in breach of any requirement, term or condition of a Tzeachten Restraining Order; or
- (b) remove the Designated Individual from the area prohibited in the Tzeachten Restraining Order, or may detain the Designated Individual pending the arrival of the RCMP.

All Remedies Retained

- 21.2 Nothing in this Law precludes Tzeachten from pursuing any other enforcement action or remedy to address a Designated Individual's failure or refusal to comply with a Tzeachten Restraining Order provided for in any other relevant law.

File Order in Court

- 21.3 Tzeachten may file a certified copy of a Tzeachten Restraining Order made under this Law with a court of competent jurisdiction.
- 21.4 A Tzeachten Restraining Order filed under section 21.3 has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court.

PART 22. OFFENCES AND PENALTIES

Penalties

- 22.1 A Person who contravenes this Law, or any requirement, term or condition of an order made and delivered in accordance with this Law, or an order made by a Court pursuant to this Law, is guilty of an offence and
- (a) may be referred to Qwi:qwelstom or alternative dispute resolution;
 - (b) is liable for a ticketing fine if authorized by Council Resolution, this Law, or any other applicable law;
 - (c) is liable on summary conviction to a fine of not more than \$10,000 for each offence; or
 - (d) for contraventions or in relation to Part 11, is liable to a term of imprisonment not exceeding thirty (30) days, or both.

Fine

- 22.2 A fine payable under section 22.1 shall be remitted to Tzeachten by the Court, after reasonable Court costs have been deducted.

Offences

- 22.3 It is an offence to
- (a) engage in Disorderly Conduct;
 - (b) cause or create a Nuisance;
 - (c) fail or refuse to comply with any warning, order, ticket, violation, notice, information or summons made or issued under this Law, including, for certainty, the requirements, terms or conditions of a Tzeachten Restraining Order;
 - (d) fail or refuse to comply with the requirement under section 16.3 to report a right or interest in Tzeachten Land by testamentary disposition;
 - (e) knowingly and willingly allow a Designated Individual to remain on one's

- property in contravention of a Tzeachten Restraining Order made in accordance with this Law and published in accordance with section 13.2; or
- (f) obstruct, interfere with, or deny access to an Enforcement Officer.

Continuing Offence

- 22.4 Where any contravention of this Law is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

PART 23. DELIVERY

- 23.1 A copy of a Council Resolution, an order, notice or written reasons made under this Law may be delivered in any of the following ways:

- (a) in person;
- (b) by leaving a copy of the order with a person who appears to be at least 16 years of age at the actual or last known address of the addressee;
- (c) by posting a copy of the order prominently on a door of a building at the actual or last known address of the addressee; or
- (d) by mailing a copy of the order to the actual or last known address of the addressee.

- 23.2 A copy of an order, notice or written reasons delivered under section 23.1(d) is presumed to have been received by the addressee on the fifth (5th) day after mailing.

PART 24. REGULATIONS, FEES AND FORMS


- 24.1 Council may, by Council Resolution

- (a) pass any regulations necessary to implement this law; and
- (b) establish, correct, revise or update the terms of any applicable fee, schedule, form, protocol or other related documentation which complement and support this Law.

PART 25. COMING INTO FORCE

Date Law Comes into Force

- 25.1 This Law shall come into force and effect on the date it is passed by Council Resolution.



BE IT KNOWN that this Law entitled the *Tzeachten Community Protection Law* is hereby enacted by a quorum of Council at a duly convened Council of the Tzeachten First Nation held on March 26, 2019.20 



Chief Derek Epp

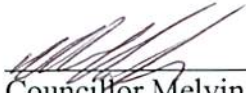


Councillor Catherine Hall



Councillor Ken Malloway

Councillor Loren Muth



Councillor Melvin Williams, Jr.

quorum consists of 3
Council Members



Tzeachten First Nation

29-6014 Vedder Rd, Chilliwack, B.C. V2R 5M4
Telephone 604.846.4888 Fax 604.846.4889



TZEACHTEN COUNCIL RESOLUTION

RES 20-14

TZEACHTEN COMMUNITY PROTECTION LAW

WHEREAS the Tzeachten First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

AND Tzeachten had traditional laws and mechanisms to deal with community members who were threatening or harmful to the community

AND the Tzeachten First Nation has taken over control and management of Tzeachten Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted *Tzeachten Land Code* effective the 21st day of August, 2008;

AND under section 3.3 of the *Tzeachten Land Code*, Tzeachten Council is authorized to pass various laws including laws relating to

- (a) the regulation, control, authorization and prohibition of access and occupation of Tzeachten Lands,
- (b) the removal and punishment of persons trespassing upon Tzeachten Lands or frequenting Tzeachten Lands for prohibited purposes, and
- (c) public and private nuisance;

AND Under section 3.8 of the Land Code, Council is authorized to enact a Law without the preliminary steps provided under sections 3.5 and 3.6 of the Land Code if Council, acting reasonably, believes that the Law is required urgently to protect Tzeachten Lands or Members;

AND Council passed the Tzeachten Community Protection Law on October 17, 2016 and Council wishes to build on that law and expand on the subject matters covered by that law:

AND Council wishes to implement measures to support a clean and healthy community, to encourage people to be good neighbours, and to safeguard against potentially dangerous and disruptive behaviour on Tzeachten Lands;

NOW THEREFORE, the *Tzeachten Community Quality and Protection Law* is hereby enacted at a duly convened meeting as a Law of Tzeachten First Nation.



Tzeachten First Nation

29-6014 Vedder Rd, Chilliwack, B.C. V2R 5M4
Telephone 604.846.4888 Fax 604.846.4889



TZEACHTEN COUNCIL RESOLUTION

RES 20-14

A QUORUM for the Tzeachten First Nation consists of 3.

DATED this 26 day of March, 2020.

Chief Derek Epp

Councillor Loren Muth

Councillor Kenneth Malloway

Councillor Catherine R. Hall

Councillor Melvin Williams Jr.