



**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

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;

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.

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

(b) poses a serious threat to the physical or psychological health, safety or wellbeing of an 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.

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

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.

- 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

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.