

YAKWEAKWIOOSE FIRST NATION
COMMUNITY PROTECTION LAW

MARCH 2019



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Yakweakwioose has traditional laws and teachings including:

Éy kws hákw'elestset te s'í:wes te siyólexwálh,
Xaxastexw te mekw'stam,
Éwe chexw qelqelit te mekw'stam lóy kw'es li hokwex yexw lamexw kwú:t,
S'ólh téméxw te íkw'élò xólhmet te mekw' stám ít kwelát

These cannot be exactly translated into English but they include the following concepts:

It is good to remember the teachings of our ancestors;
Respect all things;
Don't waste, ruin, destroy everything, only take what you need;
This is our land we have to take care of everything that belongs to us;

WHEREAS:

- A. Yakweakwioose 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. Yakweakwioose has traditional teachings, laws and mechanisms to deal with community members who were threatening or harmful to the community including the examples set out in Schedule 'A';
- C. Yakweakwioose has taken over control and management of Yakweakwioose Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Yakweakwioose Land Code* effective May 1, 2014;
- D. Under section 3.3 of the *Yakweakwioose Land Code*, Yakweakwioose Council is authorized to pass various laws including laws relating to
 - (a) the regulation, control, authorization and prohibition of access and occupation of Yakweakwioose Reserve Lands,
 - (b) the removal and punishment of persons trespassing upon Yakweakwioose Reserve Lands or frequenting Yakweakwioose Reserve Lands for prohibited purposes, and
 - (c) public and private nuisance;
- E. Based on recent events, Council believes this Law is urgently required to protect Yakweakwioose Reserve Lands or Members within the meaning of section 3.8 of the Land Code; and
- F. Council wishes to implement measures to safeguard against potentially dangerous and disruptive behaviour on Yakweakwioose Reserve Lands;

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

PART 1. NAME

1.1 This Law may be cited as the *Yakweakwioose Community Protection Law*.

PART 2. PURPOSE

2.1 The purpose of this Law is to address potentially disruptive, destructive or dangerous behaviour or conduct on Yakweakwioose Reserve Lands.

PART 3. WHERE THIS LAW APPLIES

3.1 The provisions of this Law apply to the whole area of Yakweakwioose Reserve Lands as defined in the Land Code.

PART 4. DEFINITIONS

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

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

“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 9.1 or 9.2;

“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 Yakweakwioose Reserve Lands;
- (h) making threats or being abusive to any Yakweakwioose Chief, Councillor, staff member, contractor, Member or resident or visitor on Yakweakwioose Reserve 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 Yakweakwioose Community Reserve Lands or any public area on Yakweakwioose Reserve 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 Yakweakwioose Reserve Lands, scandalizes the community, or causes or may cause inconvenience, threats, risks, annoyance or alarm to Members or the community;

“Enforcement Officer” means a person appointed under subsection 6.1;

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

“Nuisance” includes public nuisance and private nuisance and means any act, activity or condition, or pattern of past and present acts, activity, 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) fireworks that are not used or set off under a valid authorization or permit;
- (c) the creation of noxious or unpleasant smells;
- (d) vandalism, including removing, defacing, destroying, mutilating, or in any manner whatsoever damaging or attempting to damage land, structures or property;
- (e) theft, stealing, and other unlawful removal or conversion of property;
- (f) trespass; and
- (g) any other act;

that materially impairs or interferes with the use and enjoyment of Yakweakwioose'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 Yakweakwioose;

“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;

“Yakweakwioose Official” means a person appointed under section 6.1;

“Yakweakwioose Restraining Order” means an order made under section 9.4(b); 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 5. GENERAL PROVISIONS

5.1 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.

5.2 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.

5.3 Despite subsections 5.1 and 5.2, this Law is intended to be interpreted and applied under the guidance of, and in close consultation with, knowledgeable elders in a manner consistent with the traditional teachings and laws set out in Schedule “A”.

PART 6. APPOINTMENT OF YAKWEAKWIOOSE OFFICIALS

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

- 6.2 A Yakweakwioose Official may be
- (a) an Enforcement Officer,
 - (b) a Peace Officer,
 - (c) a Yakweakwioose elected representative,
 - (d) a Yakweakwioose staff member or contractor, or
 - (e) any other individual or organization designated under subsection 6.1.
- 6.3 Council must ensure that any Yakweakwioose Official is sufficiently qualified to carry out activities and enforcement under this Law, either generally, or specifically as set out in their appointment.

PART 7. PROHIBITION AGAINST DISORDERLY CONDUCT OR CAUSING A NUISANCE

Prohibition

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

PART 8. ENFORCEMENT OF PROHIBITION AGAINST DISORDERLY CONDUCT OR CAUSING A NUISANCE

Order to Stop

- 8.1 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

- 8.2 In determining whether a period of time fixed under section 8.1(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 Yakweakwioose 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

- 8.3 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 8.1, 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 arresting a person under subsection 8.4, or removing a person from a location, facility, function, activity meeting or gathering on Yakweakwioose Reserve Lands.

Arrest without warrant

- 8.4 A peace officer may arrest without warrant any person on Yakweakwioose Reserve Lands if the peace officer believes on reasonable and probable grounds that the person is committing an offence under subsection 7.1 or refusing to comply with an order as set out in subsection 8.3.
- 8.5 If a peace officer believes on reasonable and probable grounds that a person has committed an offence under subsection 7.1 or refused to comply with an order as set out in subsection 8.3, and has recently departed from the site or location of the offense or order, the peace officer may arrest the person without warrant if :
- (a) the person refuses to give his or her name and address to the peace officer on demand, or
 - (b) the peace officer believes, on reasonable and probable grounds, that the name or address given by the person to the peace officer is false.

Warnings, Orders, Tickets

- 8.6 Without limiting an Enforcement Officer's powers at law, including pursuant to a Yakweakwioose Law that addresses enforcement powers of Enforcement Officers, 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 to a Person who has engaged in Disorderly Conduct or caused or created a Nuisance.

Remediation Order

- 8.7 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 may order it carried out by Yakweakwioose or a contractor and billed to the Person.

All Remedies Retained

- 8.8 Nothing in this Law precludes Yakweakwioose 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 9. DETERMINATION OF A DESIGNATED INDIVIDUAL

Conviction

- 9.1 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 Yakweakwioose Reserve Lands or using Yakweakwioose 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

- 9.2 In addition to Council's authority under section 9.1, 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 Yakweakwioose Reserve Lands; or
- (c) has engaged or may engage in Disorderly Conduct or has caused or created or may cause or create a Nuisance, including on Yakweakwioose Lands or at a Yakweakwioose meeting, gathering or undertaking,

Council may designate the Person as a Designated Individual for a period of no longer than six (6) months at a time.

Best Interest of Yakweakwioose

9.3 Council must not pass a Council Resolution under sections 9.1 or 9.2 unless it determines, in good faith, that doing so is in the best interests of Yakweakwioose, taking into account the interests of the Person, and whether or not the Person has acknowledged their issues and is working on rehabilitation or restoration, and the interests of Yakweakwioose.

Terms and Conditions

9.4 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 Yakweakwioose Reserve Lands or an area of Yakweakwioose Reserve Lands, which may include the following:

- (a) posting the name of a Designated Individual at a Yakweakwioose facility or otherwise informing Members and residents of Yakweakwioose Reserve Lands of the presence of a Designated Individual on Yakweakwioose Reserve Lands;
- (b) taking into account the balance between community protection and the reasonable privacy of individuals, sending information to other Sto:lo First Nations to consider posting in their communities;
- (c) required participation in a traditional healing, restoration or rehabilitation process;
- (d) issuing a Yakweakwioose Restraining Order to:
 - (i) prohibit or prevent a person from using or accessing Yakweakwioose 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 Yakweakwioose Reserve Lands or being present within specified areas or facilities on Yakweakwioose Reserve 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 9.1,
 - (A) evict the Designated Individual from rental housing or housing leased on Yakweakwioose Reserve Lands, for a specified period of time, or

- (B) banish the Designated Individual from using, occupying, or possessing Yakweakwioose Reserve Lands for a specified time period not exceeding one (1) year.

Expiry of Yakweakwioose Restraining Order

- 9.5 Subject to the time limit imposed on the designation of a Designated Individual under section 9.2, and the time limit imposed on banishment under section 9.4(c)(iv)(A), a Yakweakwioose Restraining Order must expire within five (5) years from the date the Yakweakwioose Restraining Order becomes effective.

Eviction

- 9.6 A Yakweakwioose Restraining Order that includes a term evicting a Designated Individual residing on Yakweakwioose Reserve Lands under a lease under section 9.4(c)(iv)(A), the term takes effect 48 hours after service of the Yakweakwioose Restraining Order in accordance with section 11.1.

Banishment

- 9.7 A Yakweakwioose Restraining Order that includes a term banishing a Designated Individual under section 9.4(c)(iv)(A)
- (a) takes effect 48 hours after service of the Council Resolution in accordance with section 11.1; 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

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

PART 10. CONTENT AND DELIVERY OF YAKWEAKWIOOSE RESTRAINING ORDER

Contents of Yakweakwioose Restraining Order

- 10.1 A Yakweakwioose 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 Yakweakwioose Restraining Order was authorized by Council Resolution;
 - (e) the date upon which the Yakweakwioose Restraining Order was issued;
 - (f) the date upon which the Yakweakwioose Restraining Order becomes effective;
 - (g) the date upon which the Yakweakwioose 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 Yakweakwioose Reserve 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

Yakweakwioose Restraining Order.

PART 11. NOTICE

Notice to Designated Individual

- 11.1 A Yakweakwioose 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 9.1 or 9.2; or
 - (b) has issued a Yakweakwioose Restraining Order with a copy of the Council Resolution or Yakweakwioose Restraining Order, as applicable, and a summary of Council's reasons.

General Notice of Yakweakwioose Restraining Order

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

PART 12. ALTERNATIVES FOR PARTICIPATION

Meeting Materials

- 12.1 If a Designated Individual who is the subject of a Yakweakwioose Restraining Order and who is also a Member is prevented from attending a Yakweakwioose general assembly for Members or other similar meeting on Yakweakwioose Reserve 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

12.2 If a Designated Individual who is the subject of a Yakweakwioose Restraining Order and who is also a Member is prevented from accessing information, programs or services that are available to other Members, excluding Yakweakwioose 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

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

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

**PART 13. IF DESIGNATED INDIVIDUAL HAS AN INTEREST IN
YAKWEAKWIOOSE RESERVE LANDS**

13.1 Subject to Council's authority to evict a Designated Individual residing on Yakweakwioose Reserve Lands under a lease under section 9.4(c)(iv), if a Designated Individual who is the subject of a Yakweakwioose Restraining Order has a right or Interest in Yakweakwioose Reserve Lands within an area prohibited under the order, the Yakweakwioose 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 Yakweakwioose Reserve 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 Yakweakwioose Restraining Order.

**PART 14. DESIGNATED INDIVIDUAL MAY NOT ACQUIRE RIGHT OR
INTEREST IN YAKWEAKWIOOSE RESERVE LANDS**

Non-Member

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

Member

14.2 A Designated Individual who is subject to a Yakweakwioose Restraining Order and is also a Member may acquire a right or Interest in Yakweakwioose Reserve

Lands that is within an area prohibited under the Yakweakwioose Restraining Order, but only by testamentary disposition in a valid will and remains subject to the terms and conditions set out in the Yakweakwioose Restraining Order.

Notice Required

14.3 If a Designated Individual who is subject to a Yakweakwioose Restraining Order acquires a right or Interest under section 14.2, the Designated Individual must notify the Yakweakwioose Official of the existence of the right or Interest within thirty (30) days from the date of the registration in the Yakweakwioose Reserve Lands Register of that right or Interest.

Modify Yakweakwioose Restraining Order

14.4 Upon receipt of the notification in subsection 14.3, the Yakweakwioose Official shall:

- (a) modify the Yakweakwioose Restraining Order to provide for access to the lands that are the subject of the right or Interest in accordance with section 14.1; and
- (b) deliver a copy of the modified Yakweakwioose Restraining Order to in accordance with subsections 11.1 and 11.2.

PART 15. MODIFICATION OR CANCELLATION OF DESIGNATION OR YAKWEAKWIOOSE RESTRAINING ORDER

15.1 Council may modify or cancel

- (a) a Designated Individual determination under section 9.1 or 9.2; or
- (b) a Yakweakwioose Restraining Order

at any time if it is satisfied that the circumstances described in section 9.1 or 9.2, as applicable, no longer exist and that the safety of the community or any Person on Yakweakwioose Reserve Lands would not be compromised by modifying, cancelling or removing the Designated Individual determination or the Yakweakwioose Restraining Order.

Application to Council

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

- (a) the Designated Individual determination under sections 9.1 or 9.2; or
- (b) a Yakweakwioose Restraining Order, if applicable.

15.3 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 Yakweakwioose 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 Yakweakwioose Restraining Order.

15.4 Within thirty (30) days of receiving an application under section 15.2, Council shall:

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

15.5 The portion of the Council meeting held under section 15.3(a) must be held *in camera*.

Council Resolution

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

PART 16. REVIEW OF COUNCIL DECISIONS

Final and binding

16.1 A decision of Council under sections 9.1 or 9.2, 9.4(b), or 15.1 is final and binding.

Court Review

16.2 Notwithstanding section 16.1, a Designated Individual may apply to the court, solely at their own expense, for a review of a Council decision under sections 9.1 or 9.2, 9.4(b), or 15.1.

Standard of Review

16.3 The standard of review of an application under section 16.2 is reasonableness.

Time limit

16.4 An application under section 16.2 must be brought within thirty (30) days after service of Council's decision in accordance with section 11.1.

No Stay

16.5 An application under section 16.2 does not operate as a stay of a removal order.

PART 17. NO LIABILITY FOR DECISIONS MADE IN GOOD FAITH

17.1 Yakweakwioose, 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 Yakweakwioose Restraining Order;
 - (c) enforcing any aspect of this law
- providing that the determination under subsection (a) and that the Yakweakwioose Restraining Order under subsection (b) was made in good faith.

PART 18. DUTY TO REPORT

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

PART 19. ENFORCEMENT OF YAKWEAKWIOOSE RESTRAINING ORDER

19.1 If a Designated Individual fails or refuses to comply with any requirement, term or condition of a Yakweakwioose Restraining Order made in accordance with this Law and delivered in accordance with section 11.1, without limiting an Enforcement

Officer's powers at law, including pursuant to a Yakweawkwoose 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 Yakweawkwoose Restraining Order; or
- (b) remove the Designated Individual from the area prohibited in the Yakweawkwoose Restraining Order, or may detain the Designated Individual pending the arrival of the RCMP.

All Remedies Retained

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

File Order in Court

19.3 Yakweawkwoose may file a certified copy of a Yakweawkwoose Restraining Order made under this Law with a court of competent jurisdiction.

19.4 A Yakweawkwoose Restraining Order filed under section 19.3 has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court.

PART 20. OFFENCES AND PENALTIES

Penalties

20.1 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) is liable for a ticketing fine if authorized by Council Resolution, this Law, or any other applicable law; or
- (b) is liable on summary conviction to a fine of not more than \$10,000 for each offence or to a term of imprisonment not exceeding thirty (30) days, or both.

Fine

20.2 A fine payable under section 20.1 shall be remitted to Yakweawkwoose by the Court, after reasonable Court costs have been deducted.

Offences

20.3 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 Yakweawkwoose Restraining Order;
- (d) fail or refuse to comply with the requirement under section 14.3 to report a right

- or interest in Yakweakwioose Land by testamentary disposition;
- (e) knowingly and willingly allow a Designated Individual to remain on one's property in contravention of a Yakweakwioose Restraining Order made in accordance with this Law and published in accordance with section 11.2; or
- (f) obstruct, interfere with, or deny access to an Enforcement Officer.

Continuing Offence

20.4 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 21. DELIVERY

21.1 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.

21.2 A copy of an order, notice or written reasons delivered under section 21.1(d) is presumed to have been received by the addressee on the fifth (5th) day after mailing.

PART 22. REGULATIONS, FEES AND FORMS

22.1 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 23. COMING INTO FORCE

Date Law Comes into Force

23.1 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 *Yakweakwioose Community Protection Law* is hereby enacted by a quorum of Council at a duly convened Council of the Yakweakwioose First Nation held on _____, 2019.

Quorum consists of 2
Council Members

Chief

Councillor

Councillor

DRAFT

SCHEDULE 'A'
EXAMPLES OF TRADITIONAL TEACHINGS AND LAWS

DRAFT