



# Sq'ewa:lxw First Nation Community Conduct Law

## PREAMBLE

**WHEREAS** Sq'ewa:lxw First Nation ("SKFN") is a community whose traditions and teachings direct us to be respectful towards one another and the environment; and

**WHEREAS** SKFN has inherent law-making powers, and specific law-making powers through section 81 of the *Indian Act* and the *Skawahlook First Nation Land Code*;

**THEREFORE BE IT RESOLVED** that SKFN enacts the following *Sq'ewa:lxw First Nation Community Conduct Law* to create standards that protect our members and our lands:

## PART 1 - PURPOSE

- 1 The *Sq'ewa:lxw First Nation Community Conduct Law* ("*Community Conduct Law*") is meant to help us work together on issues when a person or people disturb the harmony of our community, harm the environment, and/or act in a way that is disruptive, harassing, or threatening to staff, members, residents or guests on our lands.

## PART 2 – APPLICATION

### Where This Law Applies

- 2 The *Community Conduct Law* applies on all Sq'ewa:lxw lands (including certificate of possession lands) and to all people on Sq'ewa:lxw lands, whether members or non-members.

### Paramouncy

- 3 If there is a conflict between this *Community Conduct Law* and the *Skawahlook First Nation Land Code* (the "*Land Code*"), the *Land Code* will apply.

### Authority

- 4 The authority to enforce this law rests with Chief and Council as outlined in other laws (e.g. *the Indian Act*, the *Land Code*). Chief and Council must apply the *Community Conduct Law* in accordance with those laws.

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### Severability

- 5 If any part of this law is determined to be invalid by the courts, that part shall be disregarded without impacting the rest of the law, which will otherwise remain in full force and effect.

### Definitions

- 6 Unless otherwise defined in these regulations or required by context, words and expressions used in this law have the same meaning as they have been given in the *Land Code*.

### PART 3 - OFFENCES

- 7 It is an offence to refuse to comply with an order made by an Enforcement Officer (appointed under the *Sq'ewa:lxw Enforcement and Ticketing Law*) under this law, or to resist or interfere with an Enforcement Officer performing their duties to enforce this law.
- 8 It is an offence for a person to be involved in incidents of nuisance or disorderly conduct including, but not limited to:
- (a) Fighting, brawling or disorderly conduct in a public place or in a way that disturbs the peace;
  - (b) Publicly using abusive language, gestures or showing abusive displays;
  - (c) Being disorderly while under the influence of drugs or alcohol;
  - (d) Littering or dumping garbage;
  - (e) Creating a hazard to people and/or the environment by allowing a property to:
    - i. Become overgrown (weeds and grass are higher than 30 centimeters [1 foot] in height);
    - ii. Be covered in noxious or invasive plants/weeds;
    - iii. Have overflowing trash cans or recycling containers that may attract animals or that contains standing water;
    - iv. Be littered with garbage, including vehicles, furniture, appliances and other objects left in the yard or that are not stored in a suitable space such as a garage or shed.
  - (f) Showing, threatening to use, handling unsafely, or discharging a firearm (excluding for hunting), or using another object as a weapon;
  - (g) Significantly interfering with or interrupting a public meeting, council meeting, meeting of any committee of council, or any private or public function, ceremony or gathering on Sq'ewa:lxw Lands;
  - (h) Threatening or being abusive to any Council member, employee, volunteer or contractor working on behalf of SKFN, or to a SKFN resident, whether a member or not, or to any SKFN member, whether in person, in writing, or online;
  - (i) Refusing to leave a SKFN building or area when requested to do so by an Enforcement Officer;
  - (j) Urinating, defecating, or performing public nudity or lewd acts;
  - (k) Creating noxious odours;
  - (l) Creating excessive light that is disturbing to others between the hours of 10 p.m. and 8 a.m.;
  - (m) Creating excessive noise, including loud music, between the hours of 10 p.m. and 8 a.m.;
  - (n) Burning items that negatively affect others or the environment;

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- (o) Dumping or storing animal carcasses except in preparation to dispose of them in a cultural way or unless they are placed in an appropriate garbage can or composting container;
- (p) Vandalism to any SKFN property, structures, or land;
- (q) Theft of SKFN property or the property of SKFN residents; and
- (r) Any other acts that negatively impact others' use and enjoyment of Sq'ewá:lxw Lands and amenities.

### **PART 4 – PENALTIES, ENFORCEMENT, AND APPEALS**

#### **Voluntary Compliance**

- 9** Where possible, a SKFN representative will directly communicate with an individual accused of committing an offence to try reach a collaborative solution first, without penalty.
- 10** Where reasonably possible, SKFN administration must provide a written warning for any unresolved or repeat offence under this law, prior to relying on other forms of enforcement or penalty.
- 11** SKFN Council may pass resolutions, regulations, or policy to support the non-punitive solutions SKFN seeks to prioritize under this law.

#### **Penalties**

- 12** A person found guilty of an offence on summary conviction or who does not appeal a decision within 30 days of receiving it under this law may be fined up to \$1,000 per day for each day the offence continues.
- 13** Fines shall be paid to SKFN, or, if imposed by a court, shall be paid to the court with the remainder returned to SKFN, after reasonable court costs have been paid.

#### **Enforcement**

- 14** This law will be enforced in accordance with the *Sq'ewa:lxw Enforcement and Ticketing Law*.
- 15** If an individual does not comply with informal requests to stop, an Enforcement Officer may issue an order requiring a person to stop an action or omission, either immediately or within a set time period, which is considered to be an offence under section 7, after considering:
  - (a) The nature and extent of the action or omission;
  - (b) The impact of the action or omission on others;
  - (c) The time of day and where relevant, the appropriate time to stop the behaviour out of respect for others, as noted in section 7; and
  - (d) The effect such an order may have on another person's private business or affairs.
- 16** If a person fails to comply with an order under section 14, the Enforcement Officer may take reasonable compliance steps. This includes removing the persons or people from a location on Sq'ewá:lxw Lands.

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- 17** An Enforcement Officer may issue a remediation order to an individual to clean up and/or repair any damage caused in relation to an offence under section 7, by a specific date.
- 18** If SKFN pays for clean up or repairs following the date set on the remediation order, the individual named on the remediation order may be billed directly to reimburse SKFN.
- 19** Any unpaid amounts may be subtracted from SKFN disbursements, or members may be denied funding from SKFN, until payment is resolved.
- 20** SKFN may report unpaid amounts under section 18 to credit bureaus (such as Equifax and TransUnion).
- 21** Enforcing this law does not prevent SKFN from seeking other legal solutions.
- 22** No action may be taken against SKFN, its employees, or its agents, for any claim, loss, harm, or damage resulting from the appropriate enforcement of this law.

### **Appeals**

- 23** Decisions made under this law, such as those made in the form of Council resolutions, remediation orders, or stop orders, may be appealed by the person subject to the decision, by application to Council in accordance with the appeal provisions set out in Part 13 of the *Community Protection Law*, as necessarily adapted.

### **PART 5 – REGULATIONS, FEES AND FORMS**

- 24** SKFN Chief and Council may make or update any associated fees, fines, forms, protocols, or other related documents that support this law, by making regulations or passing Council resolutions.

### **PART 6 - AMENDMENTS**

- 25** Only Chief and Council may make amendments to or repeal this law as recommended by the Lands Advisory Committee in accordance with the *Land Code*.



# SQ'EWÁ:LXW FIRST NATION

## SKAWAHLOOK

### BAND COUNCIL RESOLUTION

BCR No: 03.16.2022 Community Conduct and  
Community Protection Laws

The Council of Skawahlook First Nation

At a duly convened meeting: March 16, 2022

#### Whereas:

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

#### Whereas:

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council, after legal consultation, has completed final review of the Community Conduct Law and the Community Protection Law attached to this BCR as Appendices 'A' and 'B';

#### WHEREAS:

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council in accordance with Part 4: (81) of the Skawahlook Land Code tabled the Community Conduct Law and the Community Protection Law at a meeting of Council on Tuesday, February 8, 2022 and posted and circulated both the Community Conduct Law and the Community Protection Law as per Part 4: (80)(3) of the Skawahlook Land Code;

#### Therefore, Be It Resolved That:


The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council enact the Community Conduct Law and the Community Protection Law as Laws of the Sq'ewá:lxw (Skawahlook) First Nation in accordance with Part 4: (80)(2) in the Skawahlook First Nation Land Code .

This resolution is supported by the undersigned and passed this 16<sup>th</sup> day of March 2022.

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

  
Chief Maureen J. Chapman

  
Debra Schneider, Councillor

  
Jenn Carman, Councillor

