



XWCHÍYÒ:M

CHEAM FIRST NATION

CHEAM FIRST NATION ENFORCEMENT OFFICER LAW

SYUWÁ:LELH - Stó:lō Laws

“S’ólh Téméxw te ikw’elo. Xolhmet te mekw’stam it kwelat”

This is Our Land, we have to take care of everything that belongs to us.

“Xaxastexw te mekw’stam”

Respect all Things.

“Ewe chexw qelqelit te mekw’stam loy qw’ esli hokwex yexw lamexw ku:t”

Don’t waste, ruin or destroy everything, only take what you need.

“T’xwelátse”

Do things in a good way, respect each other

Cheam First Nation Enforcement Officer Law

A Law to provide for Cheam Law Enforcement.

WHEREAS:

- A. Cheam 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. Cheam had traditional laws and mechanisms to deal with community members who were threatening or harmful to the community;
- C. Cheam has taken over control and management of Cheam Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Cheam Land Code* effective the 1st day of September, 2016;
- D. Under section 3.3(bb) of the *Cheam Land Code*, Cheam Council is authorized to pass laws including laws relating to the enforcement of Cheam Laws;
- E. Under Section 11.6 of the *Cheam Land Code*, a Law may provide for fines consistent with federal law, including fines of up to \$100,000 for violations for specified provisions of the Law; and
- F. The Council of Cheam is of the opinion that it is necessary to make a Cheam Law to provide for an Enforcement Officer on Cheam Reserve Lands for the observance of law and order on Cheam Reserve Lands.

THEREFORE the *Cheam First Nation Enforcement Officer Law* is hereby enacted at a duly convened Council meeting as a Law of the Cheam First Nation as follows:

Short Title

1. This law may be cited as the "*Cheam First Nation Enforcement Officer Law*".

Interpretation

2. In this law:

"Building" means any structure or construction for any use or occupancy on Cheam Lands;

"Enforcement Officer" means a Cheam Law enforcement officer appointed by Council for the purpose of enforcing Cheam Laws, and includes a person or organization authorized or contracted by Council to enforce Cheam Law in the absence of an Enforcement Officer;

"Cheam Law" means a law or regulation passed under the *Cheam Land Code*;

"Cheam Reserve Lands" means Cheam Reserve Lands as that term is defined in the *Cheam Land Code*;

"Council" means the Chief and Council of Cheam First Nation;

"Dwelling" means any house, townhome, apartment unit, condominium unit or other similar secure structure or unit thereof that is occupied and primarily used as a residence;

"Inspector" means a person appointed by Council Resolution or under a Cheam Law and includes an Enforcement Officer and the Lands Governance Director;

"Premises" means a definable tract of Cheam Reserve Lands, having fixed boundaries and a verifiable abstract registered in the Cheam First Nation Lands Registry, and all fixtures attached thereto including any Building; and

"Unauthorized Use" means any use of a Premises that is not in conformity with one or more requirements of the *Cheam Subdivision, Development and Servicing Law* to that premises which results in an increased risk to health and safety.

Enforcement Officer and Inspector

3. The Council may, by Band Council Resolution:
 - a) appoint an Enforcement Officer or an Inspector;
 - b) enter into an agreement with a person or organization to act as an Enforcement Officer or an Inspector,to provide for the administration and enforcement of Cheam Laws.
4. The Council may, by Band Council Resolution, provide for reasonable remuneration to be paid to the Enforcement Officer or an Inspector or to any person or organization the Council enters into an agreement with to provide the services of an Enforcement Officer or an Inspector.

Powers and Duties of the Enforcement Officer

5. The powers and duties of the Enforcement Officer shall include the following:
 - a) to enforce the Cheam Laws which the Enforcement Officer is authorized to enforce within the boundaries of Cheam Reserve Lands;
 - b) to follow the directions of Council and to report to Council as required;
 - c) to respond to and investigate complaints;
 - d) to conduct routine patrols;
 - e) to issue notices and offense tickets;
 - f) to lay informations;
 - g) to assist in the prosecution of Cheam Law contraventions including appearances in court to provide evidence;
 - h) to carry upon his or her person at all such times as he or she is acting as an Enforcement Officer evidence in writing of his or her position as a Enforcement Officer of Cheam Reserve Lands; and
 - i) to perform such other duties as may from time to time be assigned by Council.
6. The authority of the Enforcement Officer as a peace officer or an Inspector shall terminate when:
 - a) the person ceases to be an employee of the Cheam First Nation, or
 - b) Council by Band Council Resolution terminates the appointment of the Enforcement Officer or Inspector.
7. All Enforcement Officers and Inspectors shall obey all rules and regulations established by Council.

Power of Inspection

8. An Enforcement Officer or an Inspector may enter onto any Premises in order to inspect and determine whether the Premises complies with Cheam Law, including but not limited to, Section 6 of the *Cheam Subdivision, Development and Servicing Law*.
9. Unless otherwise provided for under Cheam Law, neither an Enforcement Officer nor an Inspector may enter a Dwelling under Section 8 unless a person who occupies the Dwelling consents or a warrant authorizes the entry.
10. An Enforcement Officer or an Inspector is empowered to order:
 - a) a person who contravenes this Law or any other Cheam Law, including but not limited to, Section 6 of the *Cheam Subdivision, Development and Servicing Law*, to comply with the applicable law in a specified time period;
 - b) work to stop on a Building or part thereof, if work is proceeding in a contravention of the *Cheam Subdivision, Development and Servicing Law* or any other applicable Cheam Law,
 - c) the removal of any unauthorized encroachment on Cheam Reserve Lands; and
 - d) the removal of any Building or part thereof constructed in contravention of the *Cheam Subdivision, Development and Servicing Law* or any other applicable Cheam Law.
11. If an Enforcement Officer or an Inspector has reasonable grounds to believe that all or part of a Premises is being used for an Unauthorized Use, the Enforcement Officer or Inspector may post a "Do Not Occupy" notice, in a form established by Council, in a conspicuous place at the entrances of the Premises, or a Building on the Premises, and deliver to the owner of the Premises a notice that the Premises are unsafe and that no Person may enter or occupy the Premises.
12. Council may pass a resolution to register or remove a notice on a Premises' abstract where the Premises is in contravention of the *Cheam Subdivision, Development and Servicing Law* or any other Cheam Law.
13. A Person must not:
 - a) interfere with or obstruct the Enforcement Officer or the Inspector from posting a notice under Section 11;
 - b) remove, alter, cover, or mutilate a notice posted under Section 11; or
 - c) occupy a Premises or a Building on the Premises until the Enforcement Officer has removed the notice posted under Section 11 except with the prior written permission of the Enforcement Officer or the Inspector.

14. Neither the removal of a notice posted under this Law, nor the issuance of a Permit under the *Cheam Subdivision, Development and Servicing Law*, nor the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of Cheam, will in any way relieve an owner from full and sole responsibility to perform work required or contemplated under the *Cheam Subdivision, Development and Servicing Law* or any other Cheam Law, and any other applicable laws, codes, standards, or enactments, nor will it constitute in any way a representation, warranty, assurance or statement that the *Cheam Subdivision, Development and Servicing Law* or any other Cheam Law, this Law, or any other applicable laws, codes, standards, or enactments have been complied with.

Offences

15. Every person who contravenes any part of this Cheam Law is guilty of an offence.

Penalties

16. (1) A person who fails to comply with an order under sections 10 or 13 commits an offence and is liable on conviction to a fine not exceeding \$10,000 or imprisonment for not more than six (6) months, or both.
- (2) A person who obstructs or resists an Enforcement Officer or an Inspector who is performing duties under this Law or who fails to comply with a requirement of an Enforcement Officer or Inspector imposed under this Law commits an offence and is liable on conviction to a fine not exceeding \$100,000 or imprisonment for not more than six (6) months, or both.

Continuing Offence

17. 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.

Further Prosecution

18. The conviction of a person for an offence under this Law does not prohibit further prosecution of that person for the continued neglect or failure on his or her part to comply with this Law or any order or notice made or given under this Law.

Proof of Offence

19. In a prosecution for an offence under this Law it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence.

Effective Date

20. This Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements under Section 3 of the *Cheam Land Code*.

BE IT KNOWN that this Law entitled *Cheam First Nation Enforcement Officer Law* is hereby enacted by a quorum of Council at a duly convened Council of the Cheam First Nation held on September 1,2020.

The quorum of the Council is 4 members.

Chief Andrew Victor

Councillor Bruce Douglas

Councillor Darwin Douglas

Councillor Lincoln Douglas

Councillor Stephanie Fredette

Councillor Rick Quipp