

SEMA:TH

COMMUNITY PROTECTION LAW

August 8, 2019

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BACKGROUND:

- A. Sema:th (Sumas First Nation) has inherent aboriginal rights and title to our traditional territory that has sustained and defined our culture, traditions, spirituality, social, and economic way of life since time immemorial;
- B. Sema:th has taken control of Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Sema:th Land Code* effective the 11th day of November, 2011;
- C. Sema:th has traditional laws and teachings relating to dealing with individuals who are potentially harmful to the community;
- D. Sema:th Council has authority under the Land Code to pass laws in various areas including the regulation of occupation of and access to Reserve lands, and prevention of public and private Nuisance;
- E. Under subsection 6.3 of the *Sema:th Land Code*, Sema:th Council is authorized to pass various laws including laws relating to
 - (a) the regulation, control, authorization and prohibition of access and occupation of Sema:th Reserve Lands,

- (b) the removal and punishment of persons trespassing upon Sema:th Reserve Lands or frequenting Sema:th Reserve Lands for prohibited purposes, and
 - (c) public and private nuisance;
- F. Under subsection 7.12 of the Land Code, Council is authorized to enact a Law without the preliminary steps provided under Part 7 of the Land Code if Council, acting reasonably, believes that the Law is required urgently to protect Sema:th Reserve Lands or Members;
- G. A Law enacted under subsection 7.12 of the Land Code will be deemed to have been repealed and to have no force and effect ninety (90) days after its enactment, but may be re-enacted in whole or as amended in accordance with subsections 7.5 to 7.8;
- H. Sema:th has done some initial community engagement and Members have expressed serious concerns about harm to the community in relation to Drug Activity and other potentially harmful activities;
- I. Based on recent events and community input, Council believes this Law is urgently required to protect Sema:th Reserve Lands or Members within the meaning of subsection 7.12 of the Land Code; and
- J. Council wishes to implement measures to safeguard against potentially dangerous and disruptive behaviour on Sema:th Reserve Lands;

NOW THEREFORE, THIS SEMA:TH COMMUNITY PROTECTION LAW IS HEREBY ENACTED AS A LAW OF SEMA:TH.

PART 1. NAME

- 1.1 This Law may be cited as the Sema:th *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 Sema:th Reserve Lands.

PART 3. WHERE THIS LAW APPLIES

- 3.1 The provisions of this Law apply to the whole area of Sema:th 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:

“Controlled Substance” means a controlled substance as defined under the federal Controlled Drugs and Substances Act (S.C. 1996, c. 19), as amended or replaced from time to time;

“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 disorderly conduct as defined in the *Sema:th Prevention of Disorderly Conduct and Nuisances Law* as amended or replaced from time to time;

“Drug Activity” in respect of a prohibited or controlled substance, means producing, providing, selling, storing, trafficking, or possessing for the purpose of providing, selling or trafficking on Sema:th Reserve Lands, and includes bringing or delivering prohibited or controlled substances to Sema:th Reserve Lands for one or more of these purposes;

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

“Land Code” means the Sema:th First Nation Land Code;

“Nuisance” means nuisance as defined in the *Prevention of Disorderly Conduct and Nuisances Law* as amended or replaced from time to time;

“Remediation Order” means an order issued under subsection 8.7;

“Sema:th Official” means a person appointed under subsection 6.1;

“Sema:th Order” means an order made under section 9.4(b);

“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;

“Stop-Order” means an order issued under subsection 8.1; and

“Violent Offence” means an offence under sections 229 to 240 [murder and attempted murder], 244 to 248 [illegal use of firearms, illegal administering of drugs or poisons, violently resisting arrest], 264 to 273 [criminal harassment, threats and assault] and 279 to 286 [trafficking persons, abduction, taking hostages] 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.

PART 6. APPOINTMENT AND AUTHORITY OF SEMA:TH OFFICIALS

- 6.1 Council shall, by Council Resolution, appoint one or more Sema:th Officials to carry out the duties of the Sema:th Official as set out in this Law.
- 6.2 A Sema:th Official may be
- (a) an Enforcement Officer,
 - (b) a Peace Officer,
 - (c) a Sema:th elected representative,
 - (d) a Sema:th staff member or contractor, or
 - (e) any other individual or organization designated under subsection 6.1.
- 6.3 Council must ensure that any Sema:th Official is sufficiently qualified to carry out activities and enforcement under this Law, either generally, or specifically as set out in their appointment, or that they are receiving training if necessary to carry out these duties.
- 6.4 In the performance of their duties, Sema:th Officials may:
- (a) enter land or unoccupied structures; or
 - (b) subject to subsection 6.5, enter a home or structure with the consent of the occupier or under a court order.
- 6.5 As an exception to paragraph 6.4(b), neither consent nor a court order is required for a Sema:th Official to enter:
- (a) a home or structure owned by Sema:th and occupied under a housing agreement or rental agreement, as Sema:th is the landlord of these structures and consent is deemed to be given by the occupants; or
 - (b) a home or structure in a situation where there are reasonable grounds for believing that this Law has been contravened, is being contravened, or may be contravened.
- 6.6 For the purpose of performing their duties an Enforcement Officer may:
- (a) inspect land, property, or records;
 - (b) take or make copies of any relevant documents or electronic data; and
 - (c) make any reasonable inspection, investigation, or inquiry that is necessary to determine if a Law or a regulation made under a Law, or a compliance agreement or an order, notice or other instrument issued under this or any other Law or regulation has been complied with or has been contravened.
- 6.7 On request and in the course of performing their duties, an Enforcement Officer must show his or her identification as an Enforcement Officer if requested.

- 6.8 The authority of an Enforcement Officer:
- (a) may be limited by their terms and conditions of appointment as an Enforcement Officer; and
 - (b) may be increased if the Enforcement Officer is, under another Law or regulation, appointed or designated to enforce the provisions of any other Law or regulation.

PART 7. PROHIBITION AGAINST DRUG ACTIVITY ON SEMA:TH RESERVE LANDS

Prohibition

7.1 No person shall engage in any Drug Activity on Sema:th Reserve Lands.

Consent of CP-holder or Interest-holder no Defense

7.2 It is not a valid defense for a Person to assert that they have the permission or consent of a CP-holder or Interest-holder to carry out Drug Activity or any other activity which is prohibited under this Law.

PART 8. ENFORCEMENT OF PROHIBITION AGAINST DRUG ACTIVITY

Stop-Order

- 8.1 A Sema:th Official may
- (a) order any person who is threatening or engaging in any Drug Activity to immediately stop; or
 - (b) order any person to stop the Drug Activity 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 Drug Activity;
 - (b) the potential impact on persons or property and on the health and well-being of Sema:th and Members;
 - (c) the methods available to stop the Drug Activity; and
 - (d) the appropriate time required to stop the Drug Activity.

Refusal to comply

8.3 Where a Person who has been ordered to stop engaging in Drug Activity within a specified period of time, under section 8.1, fails or refuses to comply with the Stop-Order, an Enforcement Officer may take such reasonable measures as are necessary to stop the Drug Activity, which may include arresting a person under subsection 8.4, or removing a person from a location, facility, function, activity meeting or gathering on Sema:th Reserve Lands.

Arrest without warrant

8.4 A peace officer may arrest without warrant any person on Sema:th 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 a Stop-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 a Stop-Order as set out in subsection 8.3, and has recently departed from the site or location of the offence 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 Sema:th 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 Drug Activity.

Remediation Order

- 8.7 An Enforcement Officer or Council may issue a Remediation Order to compel a Person who has engaged in Drug Activity 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 Sema:th or a contractor and billed to the Person.

All Remedies Retained

- 8.8 Nothing in this Law precludes Sema:th from pursuing any other enforcement action or remedy to address Drug Activity provided for under common law or in any other relevant law.

PART 9. DETERMINATION OF A DESIGNATED INDIVIDUAL

Designation if there has been a 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) is engaging in Drug Activity or otherwise poses a serious threat to the physical or psychological health, safety, security or wellbeing of one or more Persons residing on Sema:th Reserve Lands or using Sema:th facilities,
- Council may make a determination that the person is a Designated Individual for a period of no longer than five (5) years.

Short-Term Designation Even if No 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, security or wellbeing of one or more Persons on Sema:th Reserve Lands; or

- (c) has engaged or may engage in Drug Activity or Disorderly Conduct or has caused or created or may cause or create a Nuisance at a Sema:th 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 Sema:th

- 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 Sema:th, taking into account the interests of the Person and the interests of Sema:th.

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 Sema:th Reserve Lands or an area of Sema:th Reserve Lands, which may include the following:
 - (a) posting the name of a Designated Individual at a Sema:th facility or otherwise informing Members and residents of Sema:th Reserve Lands of the presence of a Designated Individual on Sema:th Reserve Lands;
 - (b) issuing a Sema:th Order to:
 - (i) prohibit or prevent a person from using or accessing Sema:th 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 Sema:th Reserve Lands or being present within specified areas or facilities on Sema:th 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;
 - (c) for a Designated Individual determined under subsection 9.1 issuing a Sema:th Order to
 - (i) evict the Designated Individual from housing on Sema:th Reserve Lands, in which Sema:th has an ownership interest, or
 - (ii) banish the Designated Individual from entering onto, being on, using, occupying, or possessing Sema:th Reserve Lands for a specified time period not exceeding one (1) year; or
 - (d) for a Designated Individual determined under subsection 9.2, issuing a Sema:th Order to
 - (i) evict the Designated Individual from housing on Sema:th Reserve Lands, in which Sema:th has an ownership interest, or
 - (ii) banish the Designated Individual from entering onto, being on, using, occupying, or possessing Sema:th Reserve Lands for a specified time period not exceeding six (6) months.

Expiry of a Sema:th 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), any Sema:th Order must expire at the latest within five (5) years from the date the Sema:th Order becomes effective.

Eviction

9.6 For a Sema:th order that includes a term evicting a Designated Individual residing on Sema:th Reserve Lands, the term takes effect at the time specified by section 11.1 or any such later time as may be set by Council Resolution.

Banishment

9.7 A Sema:th order that includes a term banishing a Designated Individual under section 9.4(c)

- (a) the banishment takes effect at the time specified by section 11.1 or any such later time as may be set by Council Resolution; and
- (b) may be renewed by Council an unlimited number of times 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 SEMA:TH ORDER

Contents of Sema:th order

10.1 A Sema:th 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 order was authorized by Council Resolution;
- (e) the date upon which the order was issued;
- (f) the date upon which the order becomes effective;
- (g) the date upon which the 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 Sema:th 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 order.

PART 11. NOTICE

Notice to Designated Individual

11.1 A Sema:th 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 Sema:th Order
- with a copy of the Council Resolution or Sema:th Order.

General Notice of Sema:th Order

11.2 If Council authorizes a Sema:th Order, subject to any written directions from Council, the Sema:th Official shall, within fourteen (14) days from the date of the Council Resolution authorizing the Sema:th Order:

- (a) deliver a copy of the Sema:th Order to:
 - (i) each employer of the Designated Individual that is located on Sema:th Reserve Lands;
 - (ii) each employer of the Designated Individual that is not located on Sema:th Reserve Lands if, in the opinion of the Sema:th Official, the Designated Individual's employment with that employer could require the Designated Individual to enter onto the prohibited areas described in the Sema:th Order;
 - (iii) the local RCMP detachment;
 - (iv) any Sema:th staff or departments which Council or the General Manager directs in writing; and
 - (v) each Sema:th facility or office identified as a prohibited area in the Sema:th 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 Sema:th 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 Sema:th Order and who is also a Member is prevented from attending a Sema:th general assembly for Members or other similar meeting on Sema:th 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 Sema:th Order and who is also a Member is prevented from accessing information, programs or services that are available to other Members, including Sema:th Community Benefit payments,

- (a) if the Designated Individual otherwise remains in good standing and complies with any orders under this Law, Council shall ensure that other alternatives are in place for the Designated Individual to access the information, programs or services, as appropriate; but
- (b) if the Designated Individual does not remain in good standing, does not comply with orders under this Law, or otherwise misses out on or is excluded from receiving information, programs, services or benefits due to their own actions

or behaviour, they shall not be entitled to receive any top-up, catch-up, reimbursement or compensation payment after their designation is ended

Attending an Election or Ratification Vote

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

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

PART 13. IF DESIGNATED INDIVIDUAL HAS AN INTEREST IN SEMA:TH RESERVE LANDS

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

PART 14. DESIGNATED INDIVIDUAL MAY NOT ACQUIRE RIGHT OR INTEREST IN SEMA:TH RESERVE LANDS

Non-Member

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

Member

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

Notice Required

14.3 If a Designated Individual who is subject to a Sema:th Order acquires a right or Interest under section 14.2, the Designated Individual must notify the Sema:th

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

Modify Sema:th Order

- 14.4 Upon receipt of the notification in subsection 14.3, the Sema:th Official shall:
- (a) modify the Sema:th 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 Sema:th Order to in accordance with subsections 11.1 and 11.2.

PART 15. MODIFICATION OR CANCELLATION OF DESIGNATION OR SEMA:TH ORDER

- 15.1 Council may modify or cancel
- (a) a Designated Individual determination under section 9.1 or 9.2; or
 - (b) a Sema:th 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 Sema:th Reserve Lands would not be compromised by modifying, cancelling or removing the Designated Individual determination or the Sema:th 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 Sema:th 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 Sema:th 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 Sema:th 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 Unless Council otherwise agrees in writing, 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 to the Court for a review under section 16.2 does not operate as a stay of a removal order, and the order of Council remains in place until Council removes it either under their own authority or resulting from a final decision from a Court.

PART 17. NO LIABILITY FOR DECISIONS MADE IN GOOD FAITH

17.1 Sema:th, 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 Sema:th Order;
- (c) enforcing any aspect of this law

providing that the determination under subsection (a) and that the Sema:th 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 Sema:th Order shall immediately report these grounds:

- (a) firstly the RCMP or the Enforcement Officer and the Lands Manager; then
- (b) the General Manager.

PART 19. ENFORCEMENT OF SEMA:TH ORDER

19.1 If a Designated Individual fails or refuses to comply with any requirement, term or condition of a Sema:th 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 Sema:th 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 Sema:th Order; or
- (b) remove the Designated Individual from the area prohibited in the Sema:th Order, or may detain the Designated Individual pending the arrival of the RCMP.

All Remedies Retained

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

File Order in Court

19.3 Sema:th may file a certified copy of a Sema:th Order made under this Law with a court of competent jurisdiction.

19.4 A Sema:th 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 Sema:th 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 Sema:th Order;
- (d) fail or refuse to comply with the requirement under section 14.3 to report a right or interest in Sema:th Land by testamentary disposition;
- (e) knowingly and willingly allow a Designated Individual to remain on one's property in contravention of a Sema:th 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:

- (a) under paragraph 21.1(b) or 21.1(c) is deemed to have been received by the addressee within forty-eight (48) hours of the date and time it was delivered or posted; and
- (b) under section 21.1(d) is deemed 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 *Sema:th Community Protection Law* is hereby enacted by a quorum of Council at a duly convened Council of the Sema:th First Nation held on _____, 2019.

Chief

Councillor

Councillor

Councillor

Councillor

quorum consists of 3 Council Members
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Sumas First Nation

2788 Sumas Mtn. Rd
Abbotsford, BC V3G 2J2

BAND COUNCIL RESOLUTION

Chronological no.

19-10-33

File reference no.

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear in all resolutions requesting expenditures from band funds.

The council of the	Sumas First Nation	Cash free balance	
		Capital account	\$ _____
Date of duly convened meeting	04 / 10 / 2019	Province	
		BC	
		Revenue account	\$ _____

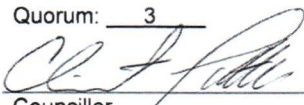
Adoption of Semá:th Community Protection Law

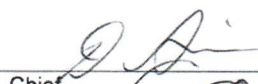
Whereas:


- A. Semá:th (Sumas First Nation, or Sumas) has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by the *Semá:th Declaration of 2017*;
- B. Semá:th has taken control of Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Semá:th Land Code* effective the 11th day of November 2011;
- C. Under section 6 of the *Semá:th Land Code*, Semá:th Council has broad authority to pass laws relating to the regulation, development and protection of Semá:th Lands;
- D. Semá:th desires to implement measures, including designating individuals, issuing restraining orders, and in certain circumstances banishing individuals, to safeguard our community against potentially dangerous and disruptive behavior, such as drug dealing.
- E. The Community Protection Law was posted for community comment for a period of 21 days as required under the *Semá:th Land Code*; and
- F. No comments were received by community members.

Now therefore be it resolved that Semá:th hereby adopts and enacts the Community Protection Law, attached to this BCR.

Quorum: 3


Councillor


Chief


Councillor

Councillor

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act section)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue - Revenue	Expenditure	Authority (Indian Act section)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue - Revenue
Recommending officer			Recommending officer		
_____ Signature		_____ Date	_____ Signature		_____ Date
Approving Officer			Approving Officer		
_____ Signature		_____ Date	_____ Signature		_____ Date