

LNIB ENFORCEMENT LAW

LNIB ENFORCEMENT LAW

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PREAMBLE

WHEREAS since time immemorial, the members of the Lower Nicola Indian Band have continuously and without interruption occupied our territory and exercised Aboriginal title to our traditional lands;

AND WHEREAS Lower Nicola India Band has an inherent right to self-government which emanates from its people, culture, language, and land, and which is recognized and affirmed by section 35 of the Constitution Act, 1982;

AND WHEREAS our Nation has chosen to assume control of its Indian Reserve Lands pursuant to the First Nation Lands Management Act, S.C. 1999 C. 24 by entering into the Individual Agreement on First Nation Land Management between Lower Nicola Indian Band and Her Majesty The Queen In Right Of Canada and by adopting the Lower Nicola Indian Band Land Code;

AND WHEREAS under sections 6.1 and 6.2 of the Land Code, Council is authorized to establish laws relating to the enforcement of Laws including with respect to the appointment of justices of the peace for the enforcement of Laws;

AND WHEREAS section 22(3) of the *First Nations Land Management Act* (Canada) authorizes LNIB, in relation to prosecutions of contraventions of Laws,

- (a) to retain its own prosecutors,
- (b) to enter into an agreement with British Columbia for the use of provincial prosecutors, or
- (c) to enter into an agreement with Her Majesty for the use of agents engaged by Her Majesty;

AND WHEREAS section 24 of the *First Nations Land Management Act* (Canada) provides that

- (a) a justice of the peace shall have tenure and remuneration, and be subject to conditions of removal, that reflect the independence of office of justice of the peace in British Columbia, and
- (b) justices of the peace have all the powers necessary for the performance of their duties and functions.

AND WHEREAS Council wishes to implement a consolidated enforcement law to enable fair, effective and efficient enforcement of Laws,

NOW THEREFORE BE IT RESOLVED THAT the Council enacts as follows:

PART 1– CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

Citation

1. The Law may be cited as the Enforcement Law.

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Purpose

2. The purpose of this Law is to enable fair, effective and efficient enforcement of Laws.

Application

3. (1) This Law applies to all LNIB Land.
(2) This Law binds the LNIB government.

Paramountcy

4. If there is a conflict between this Law and the Land Code, the Land Code will prevail.

Definitions

5. (1) In this Law:

“an information” means mean the instrument that sets out the information that confirms a peace officer’s reasonable and probable grounds to believe someone has committed an offence;

“compliance notice” means a notice issued in accordance with section 20;

“court” means a court of competent jurisdiction in British Columbia;

“Criminal Code” means the *Criminal Code of Canada*, RSC 1985, c C-46;

“discounted fine” means the amount of the fine set out in Schedule A that is payable if payment is received on or before the 14th day after the date a ticket was served;

“enforcement officer” means a Person designated under section 12;

“judge” means a judge presiding over a court;

“justice of the peace” means a justice of the peace appointed under section 11(1) to ensure the enforcement of Laws including the adjudication of offences of Laws;

“named person” means a Person to whom a compliance notice or ticket is issued;

“place” means

- (a) a dwelling,
- (b) a building or structure or any part of a building or structure other than a dwelling,
or
- (c) a vehicle, vessel, or trailer;

“peace officer” has the same meaning as provided in the Criminal Code;

“prosecutor” means

- (d) a lawyer retained by Council to prosecute offences of a Law; or

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- (e) subject to an agreement with British Columbia or Canada regarding the prosecution of contraventions of a Law,
 - (i) a provincial prosecutor, or
 - (ii) a federal agent;

“Schedule A” means the Schedule to this Law that sets out the fine, discounted fine and surcharge associated with offences under applicable Laws.

“surcharge” means the amount set out in Schedule A that is payable if payment for a fine is received on the 30th day after the date a ticket was served;

“ticket” means a ticket issued in accordance with section 20.

- (2) In addition to the terms defined in this Law, terms used in this Law may be defined in the Land Code.

Interpretation

- 6. (1) A reference in this Law to an enactment is to be construed as including a reference to that enactment as it may be amended from time to time.
- (2) A word in the singular form may be read in the plural form if the context allows it and a word in the plural form may be read in the singular form if the context allows it.
- (3) Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this Law will be guided and interpreted in accordance with the culture, traditions and customs of LNIB.

Severability

- 7. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

- 8. Nothing under this Law must be rendered void or invalid by
 - (a) an error or omission in a compliance notice, ticket, order, form or other document given or authorized under this Law; or
 - (b) a failure of LNIB, a LNIB official or their delegate to do something within the required time.

PART 2 - SCHEDULES

Schedule

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9. (1) Schedule A forms part of this Law and has the force of law.
- (2) A reference to “this Law” includes Schedule A.
- (3) Despite section 36, Council may amend Schedule A by Resolution.

PART 3- OFFENCES

Offences generally

10. (1) A Person commits an offence against a Law by:
 - (a) doing anything prohibited under a Law; or
 - (b) omitting to do anything required under a Law.
- (2) An enforcement officer may commence a proceeding for an offence against a Law by
 - (a) issuing a ticket in accordance with section 20;
 - (b) issuing a compliance notice in accordance with section 20; or
 - (c) laying an information for a prosecution before a justice of the peace or a Court in accordance with section 17.
- (3) Where a Person commits an offence for more than one day, it constitutes a separate offence for each day on which the Person commits or continues the offence.

PART 4 - JUSTICES OF THE PEACE

Justices of the peace

11. (1) Council may appoint by resolution, with the advice of the Lands Manager and the Lands Management Advisory Committee and in a manner consistent with this Law and the Land Code, any justices of the peace that Council determines
 - (a) are necessary to enforce Laws; and
 - (b) qualified to serve in the position of justice of the peace.
- (2) Before carrying out any authorities granted to it under this Law, any justice of the peace appointed by Council must swear or affirm an oath of office prior to commencing their duties.
- (3) Unless otherwise instructed by Council, a justice of the peace is empowered and authorized to make decisions regarding the application and enforcement of this Law including as follows:
 - (a) whether an offence has been committed;
 - (b) whether a compliance notice or ticket was validly issued;

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- (c) whether a fine or surcharge is due; and
 - (d) any other related decisions.
- (4) If, in the course of a hearing before a justice of the peace, a matter arises that is within the exclusive jurisdiction of a court, the justice of the peace must terminate the hearing and refer the matter to be heard as a new matter by a judge.
- (5) Before the commencement of any hearing by a justice of the peace, a party to the matter may apply to court for an order that the matter be heard by a judge instead of by the justice of the peace.
- (6) In making an order pursuant to subsection (5), the judge must consider relevant factors, including, without limitation, the following factors:
- (a) the objectives of respecting Laws and LNIB's self-government, and of encouraging timely, effective and efficient enforcement of Laws;
 - (b) the complexity of the factual and legal issues involved in the matter;
 - (c) the proposed length of the trial of the matter;
 - (d) the severity of the potential outcomes or consequences of the matter; and
 - (e) the public interest in the outcome of the matter.

PART 5 - ENFORCEMENT OFFICERS

Appointing enforcement officers

12. In addition to an enforcement officer appointed or designated under another Law, LNIB appoints the following as enforcement officers:
- (a) any RCMP officer or peace officer; and
 - (b) any individual or company designated by Council by resolution.

Authority of enforcement officers

13. (1) Without limiting an enforcement officer's powers at law, including in another Law, an enforcement officer is authorized to do the following for the purpose of performing his or her duties or exercising his or her powers in relation to this Law:
- (a) issue compliance notices;
 - (b) issue tickets;
 - (c) at any reasonable time, enter
 - (i) land or unoccupied premises, or

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- (ii) a dwelling with the consent of the occupier or if authorized by another Law or, subject to section 14, a warrant issued by a court;
- (d) in a manner that is consistent with enforcement measures under federal legislation and subject to sections 14 and 15, make any reasonable inspection, investigation or inquiry necessary to determine if this Law, or a compliance notice, order or other instrument issued under this Law, has been complied with or contravened, or an offence is being committed or has been committed;
- (e) without limiting the interpretation of paragraph (d) and subject to section 15, an enforcement officer may:
 - (i) inspect, analyze, measure, sample or test land, and any article or substance located on or in the land,
 - (ii) take away samples of land, articles or substances,
 - (iii) examine and take away copies of records relating to any matter governed by a Law,
 - (iv) take photographs or make audio records,
 - (v) with the consent of the occupier or if authorized by another Law or a warrant,
 1. inspect, analyze, measure, sample or test any article or substance located in a dwelling or other place,
 2. seize and remove anything that the enforcement officer has reasonable grounds for believing is evidence of an offence, and
 3. take other actions as consented to by the occupier, or authorized in another Law or a warrant;
- (f) direct or require that a Person take certain measures or meet certain conditions to ensure compliance with a Law or an authorization issued under a Law, including, without limiting the generality of the Lands Manager's or an enforcement officer's authority, terms and conditions for traffic control, and to prevent injury, harm, nuisance, or damage to the public, property, or the environment, including terms and conditions dictating the remediation or restoration of the land;
- (g) issue a stop work order to order any Person who has not received full and proper authorization to cease carrying out any activities prohibited under a Law;
- (h) provide to a prosecutor with information sufficient to initiate the prosecution of an offence;
- (i) perform any other duties and exercise any other powers assigned or delegated to the enforcement officer

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- (i) under this or any other Law, or
- (ii) by Council.

(2) A stop work order imposed under subsection (1)(g) may be registered in court and enforced as a court order and continues in force until the condition that led to it is remedied or until the activity that is the subject of the stop work order receives proper authorization.

(3) For certainty, an enforcement officer, acting in the performance of a duty or in the exercise of a power under this and any other Law, may enter and pass over any LNIB Land without being liable for trespass but is liable for damages to the land resulting from his or her activities.

(4) Subsection (3) applies to any person who is assisting an enforcement officer.

(5) On request and in the course of performing their duties, an enforcement officer must show their identification as an enforcement officer.

(6) The authority of an enforcement officer:

- (a) may be limited by the terms or conditions of their appointment as an enforcement officer; and
- (b) may be increased if the enforcement officer is, under another Law appointed or designated to enforce the provisions of another Law.

Warrants

14. (1) On an enforcement officer's application made without notice, a justice of the peace may issue a warrant authorizing an enforcement officer to enter and search a place and examine anything that is relevant to determining compliance with a Law if the justice of the peace is satisfied that the enforcement officer has been properly appointed and that there are reasonable and probable grounds for believing that something relevant to the investigation is at the place.

(2) A warrant issued under subsection (1) does not authorize an entry or search after sunset or before sunrise unless it is expressly stated in the warrant.

(3) An enforcement officer entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by a peace officer and may enter a place by force.

Copying and removal of documents and objects

15. (1) An enforcement officer may copy or, subject to subsection (2), remove a document, record or thing examined under section 13(1) or under the authority of a warrant under section 14 at LNIB's expense.

(2) An enforcement officer may only remove a document, record or thing under subsection (1) if

- (a) it is not practicable to copy it in the place where it is examined; or

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- (b) a copy of it is not sufficient for the purposes of the investigation.
- (3) In order to examine or produce a document or record in readable form, an enforcement officer may use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place in which he or she is conducting the investigation.
- (4) If it is practicable to copy a document, record or thing removed under subsection (1), the enforcement officer must,
 - (a) if it was removed under subsection (2)(a), return the document, record or thing within a reasonable time; or
 - (b) if it was removed under subsection (2)(b), provide the person who was in possession of the document, record or thing with a copy of it within a reasonable time.
- (5) A copy of a document, record or thing certified by an enforcement officer to be a true copy must be received in evidence in any proceeding to the same extent and will have the same evidentiary value as the document, record or thing itself.

PART 6 - PROSECUTION OF OFFENCES

Completing an information

- 16. (1) An enforcement officer or other Person who believes on reasonable grounds that a Person has committed an offence may complete an information regarding the alleged offence.
- (2) An information must be in the form approved by Council and made under oath.

Prosecution of offences

- 17. (1) The Lands Manager or an enforcement officer may, on reasonable and probable grounds, lay an information on behalf of LNIB that a Person has committed or is suspected of having committed an offence, provided that the information has been approved by a prosecutor.
- (2) In the prosecutor's review of an information and the prosecution of an offence, they must consider:
 - (a) all relevant information and documents relating to the prosecution;
 - (b) whether there is a substantial likelihood of conviction of the offence;
 - (c) the seriousness of the offence;
 - (d) the values of LNIB;
 - (e) the integrity and independence of the LNIB enforcement system; and

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- (f) the public interest.
- (3) The prosecutor must perform their duties and exercise their powers in a manner consistent with the overall authority and role of a prosecutor in the administration of justice in British Columbia.

Limitation period for laying an information

- 18. If a Law does not specify the limitation period for laying an information, the Lands Manager or an enforcement officer may not lay an information more than six months after a LNIB official discovers the commission of the alleged offence.

Application of the Criminal Code

- 19. The summary conviction proceedings of Part XXVII of the Criminal Code apply to the prosecution of offences.

PART 7 - COMPLIANCE NOTICES AND TICKETS

Issuing a compliance notice or ticket

- 20. (1) If an enforcement officer has reasonable grounds to believe a Person is committing an offence or has committed an offence, the enforcement officer may issue to the Person a compliance notice or a ticket in the form approved by Council.
- (2) A compliance notice or a ticket must be issued to a named person unless it is issued for an offence involving a vehicle, in which case it must also be issued to:
 - (a) the vehicle's licence plate; or
 - (b) the vehicle's identification number, temporary operation permit or interim permit under the *Motor Vehicle Act* (British Columbia) or other applicable law.
- (3) If a compliance notice or a ticket is issued under subsection (2), the compliance notice or the ticket is deemed to have been issued to each registered owner of the vehicle as contained in the provincial records.
- (4) Each registered owner of a vehicle referred to in subsection (3) is deemed to be a named person.

Contents of a compliance notice and a ticket

- 21. (1) A compliance notice and a ticket must be in the form approved by Council, and must contain the following information:
 - (a) the particulars of the alleged offence in sufficient detail to permit the named person to identify it;
 - (b) the date the compliance notice or ticket is issued;
 - (c) the name and signature of the enforcement officer who issued the compliance notice or ticket;

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- (d) how to dispute the alleged offence.
- (2) In addition to the information required under subsection (1), a compliance notice must contain the following information:
- (a) sufficient information to notify the named person to do whatever is necessary to stop or rectify the offence,
 - (b) the date or time period within which the named person must comply with the requirements provided under paragraph (a),
 - (c) a provision that if the compliance notice is not disputed within the time provided,
 - (i) the compliance notice will be treated as undisputed, and
 - (ii) the named person will be deemed to have pleaded guilty to the alleged offence; and
 - (d) any other information prescribed by regulation.
- (3) In addition to the information required under subsection (1), a ticket must contain the following information:
- (a) the fine, discounted fine and surcharge in accordance with Schedule A,
 - (b) a provision that if the ticket is not disputed within the time provided,
 - (i) the ticket will be treated as undisputed,
 - (ii) the named person will be deemed to have pleaded guilty to the alleged offence,
 - (iii) the fine will be immediately payable to LNIB, and
 - (iv) the methods of paying the fine; and
 - (c) any other information prescribed by regulation.
- (4) A compliance notice may state that if the named person does not comply with the requirements set out in the compliance notice and rectify the offence, LNIB or a person authorized by Council may take action to rectify the offence at the expense of the named person.

Serving a compliance notice or a ticket

22. Unless otherwise provided in a Law, a compliance notice or ticket may be served by:

- (a) personally giving the compliance notice or ticket to the named person;
- (b) verbally delivering the compliance notice or ticket to the named person if the offence is, or may be, a nuisance, trespass, danger to public health or threat to public order, peace or safety that requires immediate compliance;

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- (c) mailing the compliance notice or ticket by registered mail to the named person at the last known address for that person; or
- (d) if the named person is unknown, affixing the compliance notice or ticket in a conspicuous location where the undertaking or activity of concern is occurring.

When failure to serve a document does not invalidate proceeding

23. (1) If a compliance notice or ticket is not served in accordance with section 22, a proceeding or an action in relation to the compliance notice or ticket is not invalidated if:

- (e) the content of the compliance notice or ticket was known by the named person within the time allowed for service;
- (f) the named person consents; or
- (g) the failure to serve in accordance with section 22 does not result in any substantial injustice.

(2) If a compliance notice or ticket relates to an offence involving a vehicle, that compliance notice or ticket must be delivered to the address of each registered owner of the vehicle as shown in the provincial records.

Form of compliance notice or ticket

24. A compliance notice or ticket may be completed, recorded, issued and stored:

- (a) in electronic format by electronic means; or
- (b) by another means that allows the compliance notice or ticket to be reproduced in an understandable form.

Complying with or disputing a compliance notice

25. Subject to section 30 [extension of time limits] and the period of time specified in the compliance notice under section 21(2)(b), a named person must, within 14 days of service of a compliance notice:

- (a) comply with the requirements in the compliance notice in the manner stated in the compliance notice; or
- (b) dispute the allegation contained in the compliance notice in accordance with section 28.

Paying or disputing a ticket

26. (1) Subject to section 30 [extension of time limits], a named person must, within 14 days after service of a ticket,

- (a) pay the fine stated in the ticket to LNIB in the manner stated in the ticket; or
- (a) dispute the allegation contained in the ticket in accordance with section 28.

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- (2) If a named person fails to comply with subsection (1), the fine set out in the ticket is immediately payable to LNIB in the manner indicated in the ticket, and the surcharge is also payable if the fine is not paid within the time period set out in the ticket.

Effect of paying fine

27. A Person who pays a fine in compliance with this Law and the ticket is deemed to have:

- (a) pleaded guilty to the offence to which the Person was charged; and
- (b) have paid the fine imposed,

and no conviction need be drawn up or entered unless it is required under the Law contravened or by the Person convicted or by a prosecutor.

Hearing of dispute

28. (1) A named person may dispute the allegation contained in a compliance notice or ticket by:

- (a) mailing to the address set out in the compliance notice or ticket a written notice of dispute, which notice must include an address for the Person disputing the allegation and sufficient information to identify the compliance notice or ticket and the alleged contravention being disputed, and which notice will be deemed to have been delivered on the date that it was mailed; or
- (b) appearing in person at the location set out in the compliance notice or ticket to give notice of dispute.

(2) If notice of dispute is given in accordance with subsection (1), the Lands Manager or Council must

- (a) within seven days after receiving the notice of dispute, deliver a copy of the notice to any other named person; and
- (b) refer the compliance notice or ticket to a justice of the peace or court for a hearing.

(3) If a compliance notice or ticket is referred pursuant to subsection (2), LNIB must confirm that the Person who was served with the compliance notice or ticket receives a notice of the hearing specifying a time and place for the appearance of the Person before the justice of the peace or judge.

(4) If a Person appears at the time and place specified in the notice under subsection (3), despite any rule of procedure, the applicable justice of the peace or judge has jurisdiction to hear the dispute without examining the notice of dispute or the notice of the hearing or inquiring into the service of the ticket on the Person.

(5) A justice of the peace or judge hearing a dispute on a compliance notice or ticket may:

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- (a) admit as evidence, whether or not it would be admissible under the laws of evidence, any oral or written testimony or any record or thing that the justice considers is relevant to an issue in the trial and is credible and trustworthy, but may not admit anything that is privileged under the laws of evidence; and
 - (b) adopt procedures that are conducive to justly and expeditiously determining the matter.
- (6) The justice of the peace or judge must expeditiously review the compliance notice or ticket and may, by order:
- (a) reverse or modify the compliance notice or ticket with or without conditions; or
 - (b) confirm the compliance notice or ticket.
- (7) If a Person who is served with a compliance notice or ticket:
- (a) has appeared before a justice of the peace or judge at the time and place specified in the notice under subsection (3) and pleaded guilty to or been found guilty of the offence with which the Person was charged; or
 - (b) is deemed to have pleaded guilty to the offence with which the Person was charged in accordance with section 29(1) or section 29(2),

then no conviction need be drawn up or entered unless it is required under the law contravened or by the Person convicted or a prosecutor.

Failure to appear at hearing

29. (1) A Person is deemed to have not disputed a compliance notice or ticket if the Person fails to appear before a justice of the peace or judge to dispute the applicable offence at the time and place specified in the notice under section 28(3), or at a new time and place set under section 30(4)(c).
- (2) If a Person is deemed under subsection (1) to have not disputed the compliance notice or ticket, the Person is deemed to have pleaded guilty to the offence with which the Person was charged, and any fine amount indicated on the ticket is immediately payable by the Person to LNIB.

Time extensions

30. (1) A Person who is served with a compliance notice or ticket but does not dispute the charge, or fails to appear before a justice of the peace or judge at the time and place specified in the notice under section 28(3), may apply to a justice of the peace or court for a time extension in the circumstances established by this section.
- (2) In the case of a Person who did not dispute the charge, the Person may only apply for a time extension under this section if:
- (a) the Person has, through no fault of that Person, not had an opportunity to dispute the charge; and

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- (b) not more than thirty (30) days have passed since the end of the period referred to in section 25 or 26.
- (3) In the case of a Person who failed to appear before a justice of the peace or judge to dispute the charge, the Person may only apply for a time extension under this section if:
 - (a) the failure was through no fault of the Person; and
 - (b) not more than thirty (30) days have passed since the date specified in the notice under section 28(3).
- (4) The justice of the peace or judge to whom an application is made pursuant to this section, on being satisfied by affidavit in the form approved by Council, with or without hearing from the applicant, that the applicable conditions set out in section 30(2) or section 30(3) have been met may:
 - (a) strike out the conviction, if any;
 - (b) in the case of a Person who did not dispute the charge, allow the Person fourteen (14) days after the date the conviction is struck to dispute the charge in accordance with section (#); or
 - (c) in the case of a Person who failed to appear to dispute the charge, set a new time and place for the appearance of the Person before a justice of the peace or judge.
- (5) If a conviction is struck out under subsection (4)(a), the justice of the peace or judge must give the Person a certificate of the fact in a form approved by Council.

Collections

- 31. If a person fails to pay a fine under this Law, the Lands Manager is authorized to following thirty (30) days after having sent a warning letter to the person send any unpaid fine to a collection agency.

PART 8 – OFFENCES AND PENALTIES

Offences

- 32. A Person who does any of the following commits an offence:
 - (a) obstructs, interferes with or hinders Council, an enforcement officer, or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law;
 - (b) fails to comply with a compliance notice or ticket or an order under section 28(6); or
 - (c) otherwise contravenes this Law.

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Penalty

33. A Person who commits an offence under section 32 is liable, on summary conviction, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding six months.

PART 9 - GENERAL PROVISIONS

Limitation of liability

34. (1) No enforcement officer or any other person assisting an enforcement officer is liable for anything done or omitted in good faith execution of any duty or power under this Law.

(2) No action for damages lies or may be instituted against LNIB, or a manager, employees, servant, official or agent of LNIB,

(a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty, or the exercise of the person's authority under a Law, or any regulation enacted pursuant to a Law; or

(b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority under a Law, or any regulation enacted pursuant to a Law.

(3) Subsection (2) does not provide a defence if:

(a) LNIB, or a manager, employee, servant, official or agent of LNIB, has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or

(b) the cause of action is libel or slander.

(4) LNIB, or a manager, employee, servant, official or agent of LNIB, is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of their neglect or failure, for any reason, to discover or detect any contraventions under a Law, or any regulation enacted pursuant to a Law.

(5) All actions against LNIB for the unlawful doing of anything that:

(a) is purported to have been done by LNIB under the powers conferred by a Law or any regulation enacted pursuant to a Law; and

(b) might have been lawfully done by LNIB if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose.

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Regulations

35. (1) Council may make regulations it considers necessary or advisable for purpose under this Law.
- (2) For certainty, the powers of Council under subsection (1) include the power to make regulations:
- (a) prescribing the form of a compliance notice and ticket and any other forms or documents necessary or advisable for the purposes of this Law;
 - (b) prescribing fees to cover costs of adjudicating disputes, including additional administrative fees if a person unsuccessfully disputes a compliance notice or ticket.
- (3) Subsection (2) does not restrict Council from approving matters listed in that subsection by Resolution.

PART 9- AMENDMENTS

Substantive amendments to this Law

36. With the exception of a minor amendment described at section 37, an amendment or repeal of this Law must only be made by Council as recommended by the Lands Advisory Committee in accordance with the Land Code.

Minor amendments

37. (1) Council may approve a minor amendment to this Law by Resolution.
- (2) For the purposes of subsection (1), minor amendments mean:
- (a) amendments to correct typographical errors;
 - (b) amendments required to reference any relevant new or amended Law;
 - (c) amendments ordered by any court of competent jurisdiction; and
 - (d) amendments which serve to clarify this Law, where there is no reasonable dispute about the intention underlying the original provision.

PART 10 - COMING INTO FORCE

Coming into force

38. This Law comes into force on the date it is passed by Resolution after complying with section 7 of the Land Code.

THIS LAW IS HEREBY DULY ENACTED by Council on the ___ day of _____, 20___, at _____, in the Province of British Columbia

LNIB ENFORCEMENT LAW

Quorum consists of X Council members.

DRAFT

DRAFT

LNIB ENFORCEMENT LAW

SCHEDULE A

SCHEDULES OF OFFENCES AND PENALTIES

DRAFT

LNIB ENFORCEMENT LAW

LNIB Subdivision, Development and Servicing Law – Fines for Tickets			
Prohibited Conduct	Discounted Fine <i>(if paid within 14 days)</i>	Fine	Surcharge <i>(if not paid within 30 days)</i>
<p>12(1) Subject to the exemptions at section 13, a Person must not undertake any of the following activities on LNIB Land except in strict compliance with an authorization, an applicable land use plan and environmental management plan, the Cultural Heritage Policy, the B.C. Building Code and any applicable policies and enactments:</p> <ul style="list-style-type: none"> (a) the subdivision of LNIB Land; (b) the construction, alteration, enlargement, addition, demolition, or removal of a building, including for certainty, signs, swimming pools and decks; (c) the installation of a street, intersection, sewer system, water system or other infrastructure of any kind; (d) the clearing, grading, blasting, excavating or other alteration of LNIB Land; (e) the deposit or removal or more than 10 m³ of soil; (f) the removal of trees; and (g) other activities designated by Council in a regulation. 	\$450	\$500	\$550
24(1)(c) failing to comply with a stop work order.	\$450	\$500	\$550
24(1)(d) failing to comply with an enforcement officer's direction or requirement to take certain measures or meet certain conditions to ensure compliance with the law or an authorization.	\$450	\$500	\$550
25(a) providing false or misleading information in order to obtain an authorization under the Law.	\$300	\$350	\$400
25(e) contravening an order made by a court in relation to the Law.	\$500	\$550	\$600

LNIB ENFORCEMENT LAW

25(f) obstructing, interfering with or denying access onto any land or into any building to an enforcement officer whose entry is authorized under the Law.	\$450	\$500	\$550
25(g) contravening the Law in any manner that is not listed under section 25 of the Law.	\$300	\$350	\$400
LNIB Enforcement Law – Fines for Tickets			
Prohibited Conduct	Discounted Fine <i>(if paid within 14 days)</i>	Fine	Surcharge <i>(if not paid within 30 days)</i>
13(1)(f) failing to comply with a direction or requirement to take certain measures or meet certain conditions to ensure compliance with the law or an Authorization.	\$450	\$500	\$550
13(1)(g) failing to comply with a stop work order.	\$450	\$500	\$550
13(3) obstructing, interfering with or denying access onto any land or into any building to an enforcement officer whose entry is authorized under the Law.	\$450	\$500	\$550
32(a) A Person must not obstruct, interfere with or hinder Council, an enforcement officer, or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.	\$500	\$550	\$600
32(b) failing to comply with a compliance notice or ticket or an order under section 28(6).	\$500	\$550	\$600
32(c) contravening the Law in any manner that is not listed in section 32.	\$300	\$350	\$400