

WESTBANK FIRST NATION

A LAW TO REGULATE SPECIAL EVENTS HELD WITHIN THE RESERVES OF THE WESTBANK FIRST NATION

LAW NO. 1995-06

WHEREAS the citizens of the Westbank First Nation have aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada;

AND WHEREAS First Nations as original peoples, have inherent authority over their lands, people and resources;

AND WHEREAS the Westbank Indian Council, as the elected government of the Westbank First Nation, has jurisdiction over those lands, peoples, and resources and is responsible for the establishment of laws;

AND WHEREAS the Council consider it in the best interests of the Nation to provide in this Special Events Law pursuant to sections 81(1)(b), (c), (d), (m), (n), (q) and (r) of the *Indian Act* for the regulation of traffic, the observance of law and order and the prevention of disorderly conduct and nuisances through the control of Special Events held on the reserves of the Nation and the regulating of any vendors intending to sell merchandise during such Special Events;

AND WHEREAS the Council reserves the right pursuant to this Special Events Law to prohibit any Special Event proposed to be held on reserve that in the opinion of the Council would not be in the best interests of the Nation;

NOW THEREFORE the Council of the Westbank First Nation enacts as follows:

1.0 Short Title

1.1 This Law may be cited as the *Special Events Law No. 1995-06*.

2.0 Interpretation

2. In this Law:

"applicant" means an applicant for a Permit and the holder of the Permit issued to each applicant;

"Council" means the Chief and Council as elected by the eligible members of the Nation pursuant to the *Indian Act*;

"*Indian Act*" means the *Indian Act*, R.S.C. 1985, c.1-5 and regulations made thereunder;

"Nation" means the Westbank First Nation;

"permit" means a Permit for a Special Event issued pursuant to this law in the form set out in Schedule "A" to this Special Events Law or as otherwise prescribed by the Council by Band Council Resolution;

"RCMP" means the local detachment of the Royal Canadian Mounted Police;

"site" means the portion of the reserve described in a Special Events Permit Application Form and in the resulting Permit, if granted, on which a Special Event is to be held; and

"special event" means any event, gathering or public games, sports, races, athletic contests, productions, concerts or other amusement at which the attendance is anticipated or targeted to exceed 100 persons.

Any other terms used herein which are defined in the *Indian Act* are used herein as so defined.

3.0 Permit Required

3.1 No Special Event may be held on the reserves of the Westbank Nation unless a Permit for that Special Event has been applied for by the applicant and approved by the Council by Resolution, as indicated through execution of the Permit by the Council or their authorized delegate.

4.0 Obtaining Permit

4.1 An application for a Permit in accordance with the application form in Schedule 'A' must be made at least forty-five (45) days before the date on which the Special Event is to commence and must be accompanied by the following:

- (a) the written consent of the person(s) in lawful possession of the Site where the Special Event is to be held, if it is to be held by someone other than the person(s) in lawful possession of the Site;
- (b) a document in which the medical health officer, as that term is defined in the British Columbia *Health Act*, located closest to the Site expresses satisfaction that sufficient arrangements have been made for the following facilities and services for the Special Event, as may be applicable:
 - (i) potable water supply,
 - (ii) toilet facilities,
 - (iii) waste collection and removal facilities, and
 - (iv) food and drink storage, dispensing, preparation and use.

- (c) a document in which the commanding officer of the RCMP or of any other police force having jurisdiction over the Site, as the case may be,
 - (i) expresses satisfaction that sufficient arrangements have been made for the following, as applicable:
 - (1) off-street parking near the Site of motor vehicles, as that term is defined in the British Columbia *Highway Act*,
 - (2) policing and other necessary security to, on and near the Site, including provision of a police and security command post, and
 - (3) traffic control to, on and near the Site; and
 - (ii) sets out the estimated cost of providing the above policing for the Special Event.
- (d) a document in which the fire inspector or local assistant, as those terms are defined in the British Columbia *Fire Services Act*, nearest to the Site expresses satisfaction that the Site complies with applicable fire safety enactments;
- (e) Proof of deposit of the security for policing and other costs and copies of the related undertakings required pursuant to Sections 4. and 5. below;
- (f) a document setting out in reasonable detail, that arrangements have been made for first aid care and facilities for the Special Event.
- (g) all applications for business permits which may be required to be in effect during the period of the Special Event pursuant to any other law enacted by the Nation;
- (h) Satisfactory proof of adequate public liability and fire insurance covering the site, buildings, and any event taking place thereon, including copies of all insurance policies issued to the Applicant which are relevant to the Special Event; and
- (i) payment of the Permit fee for the costs of processing the Application and the monitoring of compliance with the Permit, should it be issued, in the amount of \$____ made payable to the Nation.

5.0 Security for Policing Costs

- 5.1 A Permit may not be issued until the Applicant has placed in trust with a lawyer, approved by Council or a trust company, and delivered proof of the same to the Council, an amount equal to the estimate of the policing costs described in Section 3. above. The amount is to be held, pursuant to an undertaking signed by the applicant to pay the same to the R.C.M.P. or other police force having jurisdiction over the site, as the case may be, on account of the actual costs incurred in policing the Special Event. If the policing costs exceed the amount held in trust, the excess of the actual costs must be paid by the Applicant to the RCMP or other police force having jurisdiction over the Site, as the case may be, and the Nation assumes no liability for same.

6.0 Responsibility for Costs

- 6.1 The Applicant is responsible for all costs incurred or connected with the Special Event, including the cost of providing policing for the Special Event and the set up and clean up of the Site. The Council may require as a condition precedent of issuance of a Permit that the Applicant deliver to the Nation security for costs for clean up for the Site.

7.0 Inspection

- 7.1 The Council or its authorized employee, officer or agent reserves the right to inspect the site at any time prior to, during and subsequent to the Special Event to ensure compliance with the Special Events Law by the Applicant.

8.0 Satisfaction of the Nation

- 8.1 Notwithstanding any other section of this Special Events Law, all things done on the Site must comply with all applicable Westbank Laws.
- a) Upon completion of the event, the Permit holder shall be responsible for cleaning up the site. The Permit holder shall notify the Council or its delegated officer that the clean-up has been completed and inspection of the site shall take place. The site shall be cleaned up to a standard acceptable to the Council or its delegated official prior to the release of any bond or deposit submitted by the applicant.

9.0 Employment

- 9.1 The Applicant will use best efforts to employ as many members of the Westbank Nation or companies controlled by a member of the Nation as may be possible for all aspects of preparation for the Special Event, the Special Event and requirements subsequent to the Special Event.

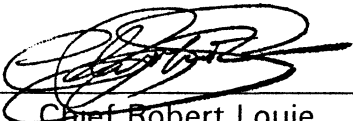
10.0 Summary Conviction Offence

10.1 Every person is guilty of a summary conviction offence punishable by a fine not to exceed one thousand (\$1,000.00) dollars or by imprisonment for a term not exceeding thirty (30) days, or both, who holds or allows access or occupation to a person(s) who holds a Special Event within the reserves of the Band without first obtaining a Permit pursuant to this Special Events Law.

11.0 Liability of the Nation


11.1 The Nation, Council, the members of Council, and the employees, contractors, and agents of the Nation are not liable for any loss or damage suffered by any person as a result of any delay, failure or insufficiency in the performance of any administrative or enforcement function under this law.

BE IT KNOWN that this law entitled "*Special Events Law*" is hereby enacted as Law No. 1995-06 by the Council of the Westbank First Nation (formerly known as Westbank Indian Band) at a duly convened meeting of the said Council held on the 14th day of AUGUST, 1995.



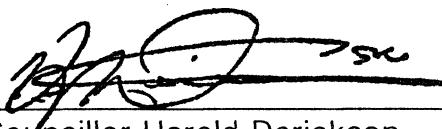
Chief Robert Louie

Councillor Larry Derrickson



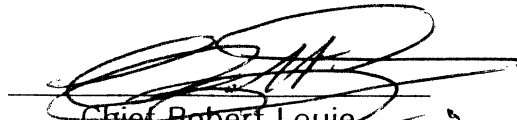
Councillor Carol Derickson

Councillor Clarence Clough



Councillor Harold Derickson

SECOND READING PASSED at a duly convened meeting of the Council of the Westbank First Nation (formerly known as Westbank Indian Band), held on the 21st day of August, 1995.

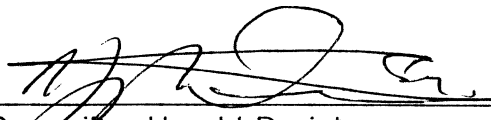

Chief Robert Louie

Councillor Larry Derrickson



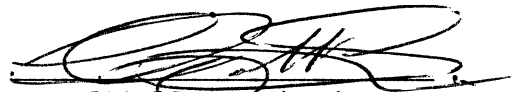
Councillor Carol Derickson

Councillor Clarence Clough

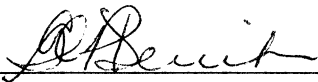


Councillor Harold Derickson

THIRD AND FINAL READING PASSED at a duly convened meeting of the Council of the Westbank First Nation (formerly known as Westbank Indian Band), held on the 21st day of August, 1995.

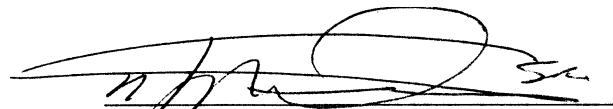

Chief Robert Louie

Councillor Larry Derrickson



Councillor Carol Derickson

Councillor Clarence Clough



Councillor Harold Derickson

I, Robert Louie, Chief of the Westbank First Nation (formerly known as the Westbank Indian Band), do hereby certify that a true copy of the foregoing law was mailed to the Minister of the Department of Indian Affairs and Northern Development at Hull, Quebec, pursuant to Section 82(1) of the *Indian Act*, this 22nd day of August, 1995.


Chief Robert Louie

Permit Fee of \$ _____ and
Application received _____, 19__

SCHEDULE "A"
TO WESTBANK FIRST NATION SPECIAL EVENTS Law NO. 1995-06

WESTBANK FIRST NATION
Special Event Permit Application Form

The Westbank First Nation Special Events Law No. 1995-06 prohibits the holding of a Special Event without a permit. This Special Event Permit Application Form must be fully completed and submitted to the Nation. A Permit contains all provisions of Special Events Law No. 1995-06 as Permit conditions which must be complied with by the Applicant Permit Holder, who, should a Permit be granted, covenants and agrees with the Nation to comply with those Permit conditions.

1. Full legal name, address and telephone, facsimile and cellular numbers of the Applicant:

2. Full legal names, addresses and telephone, facsimile and cellular numbers of any affiliated organizations or sponsors:

3. Name of Special Event applied for:

4. Nature of Special Event:

5. Location of event (give street address):

6. Estimated attendance: _____ Admission Charged: _____ or N/A

7. Date(s) of Special Event: _____

8 Hours of each day event to be held including hours required for set-up and clean-up:

9. Describe fully arrangements for the following, as applicable (attach further sheets if necessary):

(a) drinkable water supply: _____

(b) toilet facilities: _____

(c) waste collection and removal: _____

(d) food and drink storage, dispensing, preparation and use: _____

(e) off-street parking of motor vehicles, as that term is defined in the Highways Act: _____

(f) policing and other necessary security on and around the site: _____

(g) traffic control on and around the site: _____

(h) provision of a police and security command post: _____

10. Estimated number of employment opportunities for Band Members:

11. A refundable Security Deposit in the amount of \$_____ received on_____
_____, 19___. The deposit shall be returned to the Applicant within 30 days of receipt
by the Nation upon satisfactory completion of Permit conditions.

Consent of person(s) in possession of the Site to hold the Special Event:

The following person(s) hereby consent to the Special Event to be held on the Site described herein
which the following person(s) represent and warrant is in the person(s)'s lawful possession:

_____) _____
Witness:) Name:
)
)
)
_____) _____
Address:)
)
)
_____) _____
Occupation:)

_____))
Witness:))
_____))
Address:))
_____))
Occupation:))

_____))
Name:))

Dated: _____

_____))
Witness:))
_____))
Address:))
_____))
Occupation:))

_____))
Name:))

Dated: _____