

**SQUAMISH NATION
FIREWORKS BYLAW
(2024)**

WHEREAS:

- A. Squamish Nation exercises inherent jurisdiction and authority over its territory, including to manage, steward, enact laws concerning, and safeguard that territory for the collective use, benefit, and wellbeing of Sḵwx̱wú7mesh Peoples, and has done so since time immemorial.
- B. In addition to Squamish Nation's inherent jurisdiction and authority over its territory, section 81 of the *Indian Act* RSC 1985 c I-5 (the "***Indian Act***") provides that Squamish Nation Council may enact laws concerning matters that include the following:
- i. the observance of law and order (paragraph 81(1)(c));
 - ii. the prevention of disorderly conduct and nuisances (paragraph 81(1)(d));
 - iii. the dividing of the Reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone (paragraph 81(1)(g));
 - iv. the regulation of the conduct and activities of hawkers, peddlers or others who enter the Reserve to buy, sell or otherwise deal in wares or merchandise (paragraph 81(1)(n));
 - v. with respect to any matter arising out of or ancillary to the exercise of the aforementioned powers (paragraph 81(1)(q)); and
 - vi. the imposition of a penalty for the violation of any such bylaw made under Section 81 (paragraph 81(1)(r)).
- C. Squamish Nation Council recognizes the importance of and need to provide tools that promote the health, safety and quality of life for residents on Reserve, and endorses community responsibility and accountability.
- D. Squamish Nation Council has received numerous complaints about the possession, storage, promotion, sale, purchase, and discharge of Fireworks on Reserve, and believes that such activities are detrimental to the wellbeing of its Members and create undue risk of, and liability for, fire and damage to the Reserve, Squamish Nation property, and the property of Members.
- E. Squamish Nation Council is of the opinion that it is in the best interests of Squamish Nation and its Members to exercise these powers to establish a bylaw to regulate the possession, storage, promotion, sale, purchase, and discharge of Fireworks on Reserve.

- F. Squamish Nation Council may enact a bylaw under section 81(1) of the *Indian Act* if such by law is executed by a quorum of Council, and such bylaw will come into force when published on the Nation's website, in the First Nations Gazette, or in a newspaper that has general circulation on Reserve.

THEREFORE, Squamish Nation Council enacts as a bylaw the following:

1. NAME

- 1.1 This bylaw may be cited as the "Squamish Nation Fireworks Bylaw."

2. DEFINITIONS

2.1 In this Bylaw:

- (a) "**Bylaw**" means this Squamish Nation Fireworks Bylaw.
- (b) "**Bylaw Officer**" means an enforcement officer employed by the Nation, including a designated Community Safety Team Officer, to enforce the Nation's laws, bylaws, and regulations, or a Peace Officer as defined herein, including a member of the West Vancouver Police Department, Vancouver Police Department or Royal Canadian Mounted Police.
- (c) "**Community Safety Team Officer**" means an officer employed by the Nation as part of its Community Safety Team program, as established and maintained by the Nation from time to time, and any successor or replacement program.
- (d) "**Compliance Order**" means a document issued pursuant to this Bylaw to remedy a condition that is not in compliance with a provision of this Bylaw.
- (e) "**Council**" means the lawfully elected Chair and Council of Squamish Nation.
- (f) "**Council Resolution**" means a resolution of Council passed at a duly convened meeting of Council.
- (g) "**Fireworks**" means devices that explode or burn to produce visual or sound effects and such other explosives as may be designated as such under the provisions of the *Explosives Act* (Canada) and its regulations, as the case may be, including:
 - (i) Fireworks that have been classified as Type F-1 "Consumer Fireworks" in accordance with the Explosives Regulations under the *Explosives Act* (Canada);

- (ii) Fireworks that have been classified as Type F-2 “Display Fireworks” in accordance with the Explosive Regulations under the *Explosives Act* (Canada); and
 - (iii) cannon crackers, fireballs, firecrackers, mines, roman candles, skyrocketers, squibs, and torpedoes, showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, aerial shells, mines, and any other explosive designated as a Firework.
- (h) “**Fireworks Bylaw Appeals Committee**” means the committee established, appointed, or designated by Council for hearing appeals filed under this Bylaw.
- (i) “**Housing Policy**” means the Squamish Nation Housing Policy established by Council to govern the process of allocation of an individual right to use and occupy a portion of the Reserve in accordance with the customs of the Nation granted by Council by way of a Council Resolution, as may be amended from time to time, and any successor or replacement bylaws and policies.
- (j) “**Lot**” means a serviced, legally surveyed lot on Reserve as identified on a survey plan that has been approved by Council and any permanent improvements on the Lot, and includes a Lot which has been assigned by Council as a custom allocation administered under custom of the Nation pursuant to the Housing Policy, as may be amended from time to time, and a Lot held by a Member pursuant to a Certificate of Possession.
- (k) “**Nation**” means Squamish Indian Band, a “band” as defined in the *Indian Act* comprised of the Sk̓wx̓wú7mesh People, being the collective body of people that are registered band members of the Squamish Nation under the *Indian Act*.
- (l) “**Member**” means a Sk̓wx̓wú7mesh Person being any person that is a registered band member of the Squamish Nation under the *Indian Act*.
- (m) “**Peace Officer**” means a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.
- (n) “**Reserve**” means all reserves of the Nation that are set aside by His Majesty the King in right of Canada as reserves for the use and benefit of the Nation.

- (o) **“Residence”** means a residential accommodation unit located on a Lot.
- (p) **“Violation Notice”** means a notice issued by a Bylaw Officer identifying that an individual has or is alleged to have committed an offence by contravening a provision of this Bylaw.

3. INTERPRETATION

- 3.1 The word “including” means “including without limitation.”
- 3.2 Words importing the singular will include the plural and vice versa, as the context may require.
- 3.3 Where a word refers to gender, it will be interpreted to be gender neutral and gender inclusive, as the context may require.
- 3.4 Words importing persons will include firms, governments, and corporations as the context requires.
- 3.5 The article and section headings in this Bylaw are for convenience and reference purposes only and will not affect the meaning or interpretation of this Bylaw.

4. APPLICATION

- 4.1 This Bylaw applies on all lands on Reserve, and to all Members and non-Members present thereon.

5. PURPOSE

- 5.1 The purposes of this Bylaw are to establish:
 - (a) prohibitions against the possession, storage, promotion, sale, purchase, and discharge of Fireworks on Reserve;
 - (b) prohibitions in respect of the possession, storage, promotion, sale, purchase, and discharge of Fireworks on Reserve;
 - (c) mechanisms for the Nation to require Members and other individuals to adhere to the prohibitions established in this Bylaw; and
 - (d) penalties for breach of the standards established in this Bylaw.

6. FIREWORKS PROHIBITIONS

- 6.1 It is a contravention of this Bylaw for any individual, including any Member or non-Member, to do any of the following with Fireworks on Reserve or any portion thereof:
- (a) possess, have, or own;
 - (b) store, stockpile, keep, or transport;
 - (c) sell, offer for sale, supply, give, or accept any trade or barter for;
 - (d) promote or advertise, or display a sign to promote or advertise, the sale, supply, trade, or barter of;
 - (e) purchase, or provide any trade or barter for; or
 - (f) discharge.
- 6.2 If an individual engages in any of the activities listed in section 6.1 and any applicable fire, home, or other insurance is rendered void or inapplicable due to that individual's actions then that individual will be personally responsible and required to pay for all repair and renovation costs necessary to restore to its prior condition the affected Residence, Lot, portion of the Reserve, or other Nation-owned property, infrastructure, or building on Reserve, or any property, infrastructure or building located off-Reserve.
- 6.3 If an individual engages in any of the activities listed in section 6.1 and any applicable fire, home, or other insurance is not rendered void or inapplicable due to the individual's actions, the individual will be personally responsible and required to pay the applicable insurance deductible necessary to restore to its prior condition the affected Residence, Lot, portion of the Reserve, or other Nation-owned property, infrastructure, or building on Reserve, or any property, infrastructure or building located off-Reserve.

7. ENFORCEMENT AND OFFENCES

- 7.1 Bylaw Officers are designated to enforce this Bylaw.
- 7.2 It is a contravention of this Bylaw to obstruct, interfere with, or hinder a Bylaw Officer, a designated Community Safety Team member, or any authorized employee, officer, or agent in carrying out their duties and responsibilities under this Bylaw.

- 7.3 A Bylaw Officer may issue penalty fees for contraventions of this Bylaw as set out in Schedule “A” to this Bylaw and amended from time to time by Council Resolution.
- 7.4 Any individual who contravenes any of the provisions of this Bylaw or who suffers or permits an act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this Bylaw is liable for the penalties imposed by this Bylaw for each day the violation continues to exist.
- 7.5 Every individual who contravenes any provision of this Bylaw commits an offence punishable on summary conviction to a fine not exceeding \$1,000 or imprisonment for a term not exceeding thirty days, or both.
- 7.6 Where a Violation Notice is issued pursuant to this Bylaw, the individual to whom the Violation Notice is issued must, to avoid further action being taken in relation to the contravention, pay to the Nation administration office the specified penalty within 7 days from the date of the Violation Notice or such other period of time as may be set by Council Resolution.
- 7.7 Council, or a Bylaw Officer, may apply for a warrant from a court of competent jurisdiction to authorize a Bylaw Officer to enter and search any Lot and any Residence or other building thereon, if satisfied that there are goods or chattels therein by means of or in relation to which an offence under this Bylaw has been, is being, or is about to be, committed.
- 7.8 Bylaw Officers are authorized to engage a Peace Officer to seize Fireworks that are sold, offered for sale, supplied, transported, possessed, or used in violation of this Bylaw, and any other goods or chattels by means of or in relation to which the Bylaw Officer or the Peace Officer reasonably believes this Bylaw was violated.
- 7.9 Any Fireworks, goods, or other chattels seized pursuant to section 7.8 may be detained by the Nation following seizure for up to three months following the day of seizure unless during that period proceedings are undertaken under the *Indian Act* in respect of the offence, in which case the goods or chattels may be further detained until the proceedings are finally concluded.
- 7.10 If a person is convicted of violating a provision of this Bylaw, the Bylaw Officer or Council may apply to the convicting court or judge for an order that the Fireworks, goods, or chattels seized in relation to the violation of this Bylaw are forfeited by that individual and may be disposed of.

- 7.11 The Nation is not required to compensate any individual for Fireworks, goods or chattels seized pursuant to this Bylaw.
- 7.12 The costs of disposing of any Fireworks, goods, or chattels seized in relation to the violation of this Bylaw will constitute an amount owing to the Nation from the individual whose violation of this Bylaw resulted in the seizure of such Fireworks, goods, or chattels, and such costs may be recovered by the Nation by withholding or deducting the amount of such costs from any amounts that would be payable by the Nation to such individual or by demanding payment of such costs.
- 7.13 Any contravention of any provision of this Bylaw that also constitutes a contravention of any provision of, or an offence under, any other of the Nation's laws or policies may be enforced separately, and may incur separate penalties or fines, under each applicable law or policy.
- 7.14 Where Council determines that a Member's contravention of this Bylaw is sufficiently serious to warrant the revocation of a Lot granted by custom allocation pursuant to the Housing Policy, Council may revoke that Member's Lot and all rights of use and possession to the Lot by following the process established in the Housing Policy, as may be amended or replaced from time to time.

8. VIOLATION NOTICES AND COMPLIANCE ORDERS

- 8.1 Bylaw Officers are authorized and empowered to issue a Violation Notice to any individual who has contravened any provision of this Bylaw.
- 8.2 A Violation Notice may be issued by serving it personally to the individual who is believed to have contravened this Bylaw or by mailing it to that individual's last known address.
- 8.3 Each Violation Notice will state:
- (a) the name of the individual to whom it is directed;
 - (b) the contravention which has occurred;
 - (c) the relevant provisions of this Bylaw;
 - (d) the penalty established by or pursuant to this Bylaw for the contravention;
 - (e) the time period within which the penalty must be paid; and
 - (f) any other relevant information.

- 8.4 If a Violation Notice has been issued to an individual and if that individual has not paid the specified penalty within the prescribed time, the Nation may take whatever steps it deems necessary to enforce the penalty set out in the Violation Notice, including, but not limited to reducing, suspending, denying, or withholding amounts from distribution payments made by the Nation to that Member.
- 8.5 Where a Bylaw Officer has received a complaint or has identified a potential contravention of any section of this Bylaw, the Bylaw Officer may require any individual responsible for the contravention to remedy it by issuing a Compliance Order.
- 8.6 A Compliance Order may:
- (a) direct an individual to stop doing something, or to change the way in which the individual is doing it;
 - (b) direct an individual to take any action or measures necessary to remedy the contravention of the Bylaw;
 - (c) state a time within which the individual must comply with the Bylaw Officer's directions; and
 - (d) state that if the Individual does not comply with the direction within a specified time, the Nation may take whatever steps it deems necessary to ensure compliance with this Bylaw and the Compliance Order.
- 8.7 Each Compliance Order will state:
- (a) the name of the individual to whom it is directed;
 - (b) the contravention which has occurred;
 - (c) the relevant provisions of this Bylaw;
 - (d) the penalty established by or pursuant to this Bylaw for the contravention; and
 - (e) any other relevant information.
- 8.8 A Compliance Order may be issued to an individual by:
- (a) serving it personally on the individual to whom it is directed;
 - (b) mailing it by registered mail to the individual's last known address;
 - (c) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or

- (d) by posting it in a visible and obvious manner on the individual's Residence.

8.9 All expenses and costs incurred by the Nation for an action or measure taken by the Nation to enforce or otherwise give effect to a Violation Notice or a Compliance Order are an amount owing to the Nation by the individual who contravened this Bylaw.

9. POWERS OF COUNCIL

9.1 Without restricting any other power, duty, or function granted by this Bylaw, Council may:

- (a) take any steps or carry out any actions or measures required to enforce or remedy a contravention of this Bylaw, including making applications to and seeking orders from provincial and superior courts;
- (b) create forms for the purposes of this Bylaw;
- (c) issue permits exempting individuals from the provisions of this Bylaw with such terms and conditions as are deemed appropriate;
- (d) establish the criteria to be met to be issued a permit pursuant to this Bylaw; and
- (e) delegate any powers, duties, or functions under this section to a department or employee of the Nation.

10. PERMITS

10.1 Council may establish administrative procedures concerning, and designate a department of the Nation as being responsible for, the issuance of permits to a department, officer, agent, employee, contractor, or other representative of the Nation authorizing them to conduct an activity that is prohibited by this Bylaw for the purpose of:

- (a) facilitating a Fireworks display that is part of an on-Reserve event authorized in writing by a department of the Nation; or
- (b) accepting for disposal Fireworks surrendered by an individual who has contravened this Bylaw.

10.2 Any permit issued pursuant to section 10.1 must be consistent with any directions, conditions, or safety plans issued or established by the Nation's Public Safety Department or successor department.

- 10.3 An individual to whom a permit has been issued pursuant to this Bylaw and any individual carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, must comply with all terms or conditions of the permit.
- 10.4 An individual who makes any false or misleading statement or provides any false or misleading information to obtain a permit issued under this Bylaw contravenes this Bylaw.
- 10.5 If any term or condition of a permit issued pursuant to this Bylaw is contravened, or if a false or misleading statement or false or misleading information was provided to obtain the permit, a Bylaw Officer or the Nation's Public Safety Department may immediately cancel the permit.
- 10.6 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this Bylaw is borne by the individual alleging the existence of such a permit.

11. IMMUNITY

- 11.1 Unless the conduct that is the subject matter of any action is the result of dishonesty, gross negligence, or malicious or willful misconduct, no action for damages lies or may be instituted against the Nation, present or past Council, Bylaw Officers, employees, or agents of the Nation in relation to the interpretation, application, or enforcement of this Bylaw:
 - (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; 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.
- 11.2 The Nation, present and past Council, Bylaw Officers, employees, and agents of the Nation are 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 neglect or failure, for any reason, to discover or detect any contravention of this Bylaw or to enforce this Bylaw.

12. APPEALS

- 12.1 Appeals of the issuance of Violation Notices or Compliance Orders pursuant to this Bylaw may be made to the Fireworks Bylaw Appeals Committee.

- 12.2 The Fireworks Bylaw Appeals Committee will be comprised of no fewer than one, and no more than three, individuals, one of whom must be a lawyer in good standing with the Law Society of British Columbia.
- 12.3 Appeals must be:
- (a) in writing in the form prescribed by the Fireworks Bylaw Appeals Committee from time to time;
 - (b) signed by the person appealing the decision; and
 - (c) delivered to the Fireworks Bylaw Appeals Committee no later than 14 days after the issuance of the Violation Notice or Compliance Order that is being appealed.
- 12.4 The Fireworks Bylaw Appeals Committee will issue a decision on an appeal within 90 days from the date the appeal is received by the Appeals Committee.
- 12.5 The Fireworks Bylaw Appeals Committee will:
- (a) review the appeal;
 - (b) either grant or decline the appeal; and
 - (c) will provide written reasons for its decision.
- 12.6 The Fireworks Bylaw Appeals Committee will notify the person who filed the appeal of the Appeals Committee's decision within 10 business days of making its decision.
- 12.7 The decision of the Fireworks Bylaw Appeals Committee in relation to an appeal made under this Bylaw is final and not subject to any further appeal or review by any court or adjudicative or administrative body.
- 12.8 No member of the Fireworks Bylaw Appeals Committee may participate in hearing or deciding an appeal if their participation would constitute a conflict of interest.
- 12.9 The Fireworks Bylaw Appeals Committee may, in its discretion, obtain independent legal advice on any question of law or procedure relating to the discharge of its duties in relation to hearing an appeal under this Bylaw.

13. APPLICATION OF LAW

- 13.1 Where any federal act or regulation or provincial act or regulation or any other of the Nation's laws may apply to any matter covered by this Bylaw, compliance with this Bylaw will not relieve the person from also complying with the provisions of the other applicable act, regulation, or law.
- 13.2 If any section of this Bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this Bylaw.

14. ENACTMENT AND AMENDMENTS

- 14.1 This Bylaw will come into force after it is executed by a quorum of Council and on the date that the Bylaw is first published in the First Nations Gazette.
- 14.2 This Bylaw may only be amended by a quorum of the Council at a duly convened Council meeting.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Squamish Nation on **September 19, 2024.**




Councillor Deborah Baker
K'ana



Councillor Stewart Gonzales
Sempúlyan

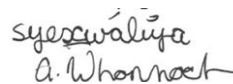
Councillor Shayla Jacobs
Sumkwaht



Chairperson Dustin Rivers
Sxwchálten iy Xelsílem



Councillor Kristen Rivers
Tiyáltelut



Councillor Ann Whonnock
Syexwáliya

Councillor Joyce Williams

Councillor Wilson Williams
Sxwíxwtn

A quorum of the Squamish Nation Council consists of the Chairperson & four (4) Councillors.

Schedule "A" Penalty Fees

Bylaw Officers are authorized to issue penalty fees in the amount of \$250.00 for each contravention of this Bylaw.