

**SQUAMISH NATION
TRESPASS AND NUISANCE ON
RESERVE BYLAW
(2025)**

WHEREAS:

- A. Squamish Nation exercises inherent jurisdiction and authority over its territory to manage, steward, enact laws concerning, and safeguard that territory for the collective use, benefit, and wellbeing of Skwxwú7mesh 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 the Squamish Nation Council with the authority to enact laws concerning the following matters:
 - 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 removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes (paragraph 81 (p));
 - iv. with respect to any matter arising out of or ancillary to the exercise of the powers listed in section 81(1) (paragraph 81(1)(q)); and
 - v. the imposition of a penalty for the violation of any such bylaw made under section 81 (paragraph 81(1)(r)).
- C. Squamish Nation Council may enact a bylaw under section 81(1) of the *Indian Act* if such bylaw is executed by a quorum of Squamish Nation Council, and such bylaw will come into force when published in the First Nations Gazette.
- D. 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.
- E. Squamish Nation Council has received numerous complaints about individuals:
 - i. trespassing on Reserve;
 - ii. vandalising Reserve lands and property;
 - iii. removing natural resources from the Reserve;
 - iv. interfering with use of the Reserve by Skwxwú7mesh persons;
 - v. erecting structures without authorization on Reserve;
 - vi. excavating the ground on Reserve;
 - vii. discarding waste and other unwanted objects on Reserve; and
 - viii. generally causing nuisance to Skwxwú7mesh persons,

and believes that such activities are detrimental to the wellbeing of the Sk̓wx̓wú7mesh People and create undue risk of interference with the use and enjoyment of the Reserve, Squamish Nation property, and the property of the Sk̓wx̓wú7mesh People.

- F. Squamish Nation Council is of the opinion that it is in the best interests of Squamish Nation and the Sk̓wx̓wú7mesh People to exercise its powers to establish a bylaw to regulate trespass and nuisances 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 Trespass and Nuisance on Reserve Bylaw.”

2. DEFINITIONS

- 2.1 In this Bylaw:

- (a) **“Authorized Individual”** has the meaning set out in section 7.1.
- (b) **“Bylaw”** means this Squamish Nation Trespass and Nuisance on Reserve Bylaw.
- (c) **“Bylaw Officer”** means an enforcement officer employed by Squamish Nation, including a designated Community Safety Team Officer, to enforce the Nation’s laws, bylaws, and regulations.
- (d) **“Community Safety Team Officer”** means an officer employed by Squamish 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.
- (e) **“Compliance Order”** means a document issued by a Bylaw Officer pursuant to this Bylaw to remedy a condition that is not in compliance with a provision of this Bylaw.
- (f) **“Council”** means the lawfully elected Chair and Council of Squamish Nation, or any successor governing body of Squamish Nation lawfully elected to replace, supplement, or supersede Chair and Council as the governing body of Squamish Nation.
- (g) **“Council Resolution”** means a resolution of Council passed at a duly convened meeting of Council.
- (h) **“Housing Policy”** means the Squamish Nation Housing Policy established by Council to govern the process of allocation of an individual’s right to use and occupy a portion of the Reserve in accordance with the customs of Squamish 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.

- (i) **“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 Squamish 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.
- (j) **“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 Squamish Nation under the *Indian Act*.
- (k) **“Nuisance Item”** has the meaning set out in section 8.8.
- (l) **“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.
- (m) **“Reserve”** means the reserves of Squamish Nation that are set aside as reserves for the use and benefit of Squamish Nation listed in Schedule “B” to this Bylaw.
- (n) **“Sk̓wx̓wú7mesh Person”** means any person that is a registered band member of Squamish Nation under the *Indian Act*.
- (o) **“Trespass and Nuisance”** has the meaning set out in section 6.1.
- (p) **“Trespass and Nuisance Bylaw Appeals Committee”** means the committee established, appointed, or designated by Council for hearing appeals filed under this Bylaw.
- (q) **“Violation Notice”** means a notice issued by a Bylaw Officer pursuant to this Bylaw 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 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 individuals present thereon.

5. PURPOSE

- 5.1 The purposes of this Bylaw are to establish:

- (a) prohibitions against Trespass and Nuisance on Reserve;
- (b) mechanisms for Squamish Nation to require individuals to adhere to the prohibitions established in this Bylaw; and
- (c) penalties for breach of the standards established in this Bylaw.

6. PROHIBITIONS AGAINST TRESPASS AND NUISANCE ON RESERVE

- 6.1 Unless the individual is an Authorized Individual, all individuals are prohibited from doing the following:

- (a) occupying or possessing Reserve land unless in accordance with a right to use and occupation of that portion of Reserve land pursuant to the relevant policies of Squamish Nation as may be amended or replaced from time to time or applicable federal legislation;
- (b) damaging Reserve land or improvements on Reserve land;
- (c) harvesting, extracting, or damaging forest resources, mineral resources, fish or wildlife on Reserve land, unless doing so in accordance with the relevant policies of Squamish Nation as may be amended or replaced from time to time;
- (d) interfering with the lawfully authorized use, occupation, or possession of Reserve land;
- (e) constructing a building, structure, enclosure, or other works on Reserve land;
- (f) excavating Reserve land;
- (g) throwing, depositing, dumping, or in any way causing to be placed on Reserve land any glass, metal, garbage, soil, or other materials;
- (h) accessing rivers through Reserve land;
- (i) abandoning on Reserve land any vehicle or vessel; or
- (j) interfering with or removing a sign erected by, on behalf of or with the authority of Squamish Nation on Reserve land,

(each individually, a **“Trespass and Nuisance”**).

- 6.2 If an individual that is not an Authorized Individual engages in an activity that is a Trespass and Nuisance, that individual is deemed to have contravened this Bylaw.

7. TRESPASS AND NUISANCE EXEMPTIONS

- 7.1 The following individuals are not prohibited from engaging in an act that is a Trespass and Nuisance:

- (a) a Skwxwú7mesh Person that has lawful authority to engage in the act;
- (b) an individual that is a lawful resident of Reserve lands that has lawful authority to engage in the act;
- (c) an individual who is an employee, contractor or agent of Squamish Nation who has lawful authority to engage in the act; or
- (d) an individual that is authorized by Council, or an authority delegated by Council, to engage in the act, or who otherwise has lawful authority to engage in the act,

(each an **“Authorized Individual”**).

8. ENFORCEMENT AND OFFENCES

- 8.1 Bylaw Officers and Peace Officers are designated to enforce this Bylaw.
- 8.2 It is a contravention of this Bylaw to obstruct, interfere with, or hinder a Bylaw Officer, a Peace Officer, a designated Community Safety Team Officer, or any authorized employee, officer, or agent of Squamish Nation in carrying out their duties and responsibilities under this Bylaw.
- 8.3 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.
- 8.4 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.
- 8.5 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 Squamish Nation administration office the specified penalty within 14 days from the date of the Violation Notice.

- 8.6 Where Council determines that a Skwxwú7mesh Person'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 Skwxwú7mesh Person'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.
- 8.7 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.
- 8.8 The costs of disposing of any waste, material, vehicle, vessel, building, structure, enclosure, works, goods, chattels, or any other item (each individually, a "**Nuisance Item**") placed on Reserve land in violation of this Bylaw will constitute an amount owing to Squamish Nation from the individual whose violation of this Bylaw resulted in the need to dispose of any one or more Nuisance Item, and such costs may be recovered by Squamish Nation by withholding or deducting the amount of such costs from any amounts that would be payable by Squamish Nation to such individual or by demanding payment of such costs.
- 8.9 Any contravention of any provision of this Bylaw that also constitutes a contravention of any provision of, or an offence under, any other of Squamish Nation's laws or policies may be enforced separately, and may incur separate penalties or fines, under each applicable law or policy.

9. COMPLIANCE ORDERS AND VIOLATION NOTICES

- 9.1 Where a Bylaw Officer or a Peace Officer has received a complaint or has identified a potential contravention of any section of this Bylaw, a Bylaw Officer may require any individual responsible for the contravention to remedy it by issuing a Compliance Order.
- 9.2 A Compliance Order may:
- (a) require an individual to cease trespassing on Reserve land;
 - (b) direct an individual to stop doing something, or to change the way in which the individual is doing it;
 - (c) direct an individual to take any action or measures necessary to remedy the contravention of the Bylaw, or restore the land to a condition satisfactory to Squamish Nation;
 - (d) direct an individual to remove, to the satisfaction of Squamish Nation, any improvements made by or on behalf of the individual on Reserve land within a specified time and, if the individual fails to comply within the required time, direct the removal of the improvements by Squamish Nation at the

individual's cost;

- (e) direct an individual to remove, to the satisfaction of Squamish Nation, any Nuisance Item from Reserve land within a specified time and, if the individual fails to comply within the required time, direct the removal of the Nuisance Item by Squamish Nation at the Individual's cost; and
- (f) state that if the Individual does not comply with the direction set out in the Compliance Order within a specified time, Squamish Nation may take whatever steps it deems necessary to ensure compliance with this Bylaw and the Compliance Order.

9.3 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 direction to the individual to remedy the contravention of the Bylaw within a specified time;
- (e) the penalty established by or pursuant to this Bylaw for the contravention; and
- (f) any other relevant information.

9.4 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 last known address with someone who appears to be at least 18 years of age;
- (d) by posting it in a visible and obvious manner at the individual's last known address; or
- (e) by posting it in a visible and obvious manner to a Nuisance Item

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

9.6 Bylaw Officers are authorized and empowered to issue a Violation Notice to any individual who has contravened any provision of this Bylaw.

- 9.7 A Bylaw Officer is not required to issue a Compliance Order prior to issuance of a Violation Notice.
- 9.8 A Violation Notice 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 last known address with someone who appears to be at least 18 years of age;
 - (d) by posting it in a visible and obvious manner at the individual's last known address; or
 - (e) by posting it in a visible and obvious manner to a Nuisance Item.
- 9.9 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.
- 9.10 If a Violation Notice has been issued to an individual and if that individual has not paid the specified penalty within the prescribed time, Squamish 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 Squamish Nation to that Skwxwú7mesh Person.

10. POWERS OF COUNCIL

- 10.1 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; and
 - (c) delegate any powers, duties, or functions under this section to a department or employee of Squamish Nation.

- 10.2 Money required to be paid to Squamish Nation by a Skwxwú7mesh Person under this Bylaw is recoverable by Squamish Nation as a debt due to it that may be deducted from distribution payments to that Skwxwú7mesh Person.

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 Squamish Nation, present or past Council, Bylaw Officers, employees, or agents of Squamish 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 Squamish Nation, present and past Council, Bylaw Officers, employees, and agents of Squamish 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 Compliance Orders and Violation Notices pursuant to this Bylaw may be made to the Trespass and Nuisance Bylaw Appeals Committee.
- 12.2 The Trespass and Nuisance 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 A non- Skwxwú7mesh Person may appeal the issuance of a Compliance Order or Violation Notice pursuant to this Bylaw, only if they are granted leave to appeal by the Trespass and Nuisance Bylaw Appeals Committee.
- 12.4 An individual may only appeal the issuance of a Compliance Order or a Violation Notice that is issued to them personally.
- 12.5 Appeals must be:
- (a) in writing in the form prescribed by the Trespass and Nuisance Bylaw Appeals Committee from time to time;
 - (b) signed by the individual appealing the decision; and
 - (c) delivered to the Trespass and Nuisance Bylaw Appeals Committee no later than 14 days after the issuance of the Compliance Order or Violation Notice

that is being appealed.

- 12.6 The Trespass and Nuisance Bylaw Appeals Committee will issue a decision on an appeal within 90 days from the date the appeal is received by the Trespass and Nuisance Bylaw Appeals Committee.
- 12.7 The Trespass and Nuisance Bylaw Appeals Committee will:
 - (a) review the appeal;
 - (b) either grant or decline the appeal; and
 - (c) will provide written reasons for its decision.
- 12.8 The Trespass and Nuisance Bylaw Appeals Committee will notify the individual who filed the appeal of the Trespass Bylaw Appeals Committee's decision within 10 business days of making its decision.
- 12.9 The decision of the Trespass and Nuisance 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.
- 12.10 No member of the Trespass and Nuisance Bylaw Appeals Committee may participate in hearing or deciding an appeal if their participation would constitute a conflict of interest.
- 12.11 The Trespass and Nuisance 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 Squamish 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 **July 18, 2025**.



Councillor Deborah Baker
K'ana



Councillor Stewart Gonzales
Sempúlyan



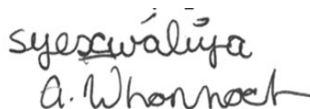
Councillor Shayla Jacobs
Sumkwaht



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 ranging from a minimum\$250.00 for each contravention of this Bylaw to a maximum of \$1000.00 for each contravention of this Bylaw for each day the contravention continues to exist.

Schedule “B” Squamish Nation Reserves Subject to this Bylaw

- IR No. 07979 – AIKWUCKS 15
- IR No. 07969 – CAPILANO 5
- IR No. 07975 – CHEAKAMUS 11
- IR No. 07986 – CHEKWELP 26
- IR No. 07987 – CHEKWELP 26A
- IR No. 07971 – CHUCKCHUCK 8
- IR No. 07989 – DEFENCE ISLAND 28
- IR No. 07985 – KAIKALAHUN 25
- IR No. 00009 – KITSILANO NO. 6
- IR No. 07981 – KOWTAIN 17
- IR No. 07990 – KWUM KWUM
- IR No. 07967 – MISSION 1
- IR No. 07977 – POQUIOSIN & SKAMAIN 13
- IR No. 07972 – POYAM 9
- IR No. 07988 – SCHALTUUCH 27
- IR No. 07980 – SEAICHEM 16
- IR No. 07968 – SEYMOUR CREEK 2
- IR No. 07970 – SKOWISHIN 7
- IR No. 07974 – SKOWISHIN GRAVEYARD 10
- IR No. 07984 – STAWAMUS 24
- IR No. 07978 – WAIWAKUM 14
- IR No. 07982 – YEKWAUPSUM 18
- IR No. 07983 – YEKWAUPSUM 19
- IR No. 07976 – YOOKWITZ 12