

Lower Nicola Indian Band

***TICKETING AND ENFORCEMENT
LAW***

2020



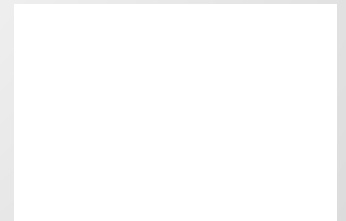
- We wish to acknowledge the territory of the Nłeʔkepmxc Nation and Scw'exmx people
- We thank LNIB for the opportunity to share with you today, and for their support and confidence.



Land Forest People.®



*Founded in 2011 with the purpose of helping build
strong communities through environmental
stewardship*



Project Team

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Governance

Indian Act

- Canada manages our lands, and is responsible for enforcing our laws.
- Enforcement severely lacking.
- Result: violations have no consequence, laws are disrespected, and LNIB's authority is undermined.

LNIB Land Code

- *Framework Agreement* is an act of self-governance
- We resume control of our land, which includes making laws and enforcing them.
- Confidence in our government is restored, and compliance with our laws is improved.



Compliance Strategy

- A *Ticketing and Enforcement Law* is only ONE tool that LNIB will use to increase compliance with our laws.
- Example: Illegal Dumping:
 - Physical barriers, such as gates.
 - Copious signage.
 - Monitoring and reporting efforts.
 - Education and Information for members.
- Ideally, we do everything possible to make it easy to comply with our laws. The *Ticketing and Enforcement Law* is used only if other strategies fail!



LNIB's Toolbox: Today

Inspect & Monitor

- Respond to complaints.
- General activities to check for compliance.
- Monitor sites (e.g. security guards).

Investigate

- Formal process.
- Gather data and evidence (e.g. soil samples).
- Record observations.

Issue Warning

- Inform and educate.
- Give to comply. opportunity

Issue Tickets and Notices

Other Measures



LNIB's Toolbox: Future

Inspect & Monitor

- Respond to complaints.
- General activities to check for compliance.
- Monitor sites (e.g. security guards).

Investigate

- Formal process.
- Gather facts or potential evidence.
- Record observations.

Issue Warning

- Inform and educate.
- Give opportunity to comply.

Issue Tickets and Notices

- Formal, detailed written notices.
- Terms for compliance
- Timelines
- Options to dispute.

Other Measures

- Option to use courts if necessary.
- Take necessary compliance steps at person's expense.
- Collect on unpaid fines.



Purpose, Scope, and Approach



Purpose and Scope

- Ultimately, enforcement is about achieving the goals set by the community (clean land, safety, etc.).
- The purpose of the *Ticketing and Enforcement Law* is to enable the fair, effective, and efficient enforcement of all LNIB Laws.
- We have chosen to have one overarching *Ticketing and Enforcement Law* that applies to all laws rather than identical enforcement provisions in each law.
- Individual laws describe what constitutes an offence.



Approach

One overarching *Ticketing and Enforcement Law*:

- Avoids repetition in each individual law;
- Minimizes the opportunity for inconsistency between individual laws;
- Makes communication and training for staff simpler because all provisions are located in one place; and
- Eliminates the need to amend multiple laws when updates are made.



Regulatory Context & Authority



Regulatory Context & Authority

- Inherent rights
- *Framework Agreement on First Nation Land Management, Land Code*
- Suite of laws, including:
 - *Land Use and Zoning Law*
 - *Subdivision, Development and Servicing Law*
 - *Environmental Management Law*
 - *etc.*



Law Content



Roles and Duties

Council

- Appoint Justices of the Peace.
- Designate Enforcement Officers.
- Set fines and other penalties for offences.

Enforcement Officers

- Issue tickets, compliance notices, make offence reports.
- Make inspections, investigations; inquiries.
- Enter land, unoccupied buildings, dwellings under certain conditions.



Justices of the Peace

Role

- Appointed by Council; legal background.
- Essentially a judge of limited jurisdiction.
- Faster and less formal matters.

Duties

- Preside over hearings.
- Decide if ticket or compliance notice is valid.
- Refer certain matters to a judge.



Tickets and Compliance Notices

Both

- The alleged offence and the date of issue.
- Name of signature of person who issued the ticket or notice of compliance.
- How to dispute the ticket or notice.
- Undisputed = plead guilty

Tickets

- The fine, discount, and surcharge
- Methods of payment

Compliance
Notices

- How to comply
- Timeline to comply



Other Provisions

How tickets and compliance notices must be served

Disputed tickets or compliance notices may be resolved with the Lands Manager, or proceed to a hearing

Process for instances where a person fails to attend a hearing, including circumstances for a time extension.

A process for collections of unpaid fines.

A process for LNIB to take the compliance action at person's expense.



Law Content: Community/Restorative Justice Process

- Council is authorized under *Land Code* to establish laws to enable appropriate enforcement issues and disputes to be dealt with through a **community/restorative justice process**, rather than the courts.
- We may decide to establish a community justice process in the future.



Law Content: Community Justice Process

- If we include such a process, the *Ticketing and Enforcement Law* will establish:
 - the composition and eligibility criteria for a person or body that will administer the process,
 - How the person or members of the body will be appointed and removed, and
 - The rules of procedure and powers of the person or body that administers the community justice process.



THANK YOU

