

Order Number: 059-2009

Date Enacted: April 29, 2009



TSAWWASSEN FIRST NATION
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Laws Enforcement Act

TICKET REGULATION

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Citation and Short Title

1 This regulation may be cited as the Tsawwassen First Nation Ticket Regulation, 2009.

Interpretation

- 2 (1) Unless specifically defined herein, words and phrases shall be construed in accordance with the meanings assigned to them in the *Tsawwassen First Nation Final Agreement* or the *Community Governance Act*, as the context and circumstances require.
- (2) In this Regulation:
- “**contravention**” means a violation of a Tsawwassen First Nation Act or regulation designated under this Regulation;
- “**Early Payment Discount**” means the amount set out in Column 3 of Schedule A;
- “**Penalty**” means the amount set out in Column 4 of Schedule A;
- “**Surcharge**” means the amount set out in Column 5 of Schedule A; and
- “**Ticket**” means a notice of a contravention of a law or regulation with related information issued in Form 1.

Enforcement

- 3 (1) The Acts or regulations designated in Column 1 of Schedule A and provisions designated in Column 2 of Schedule A may be enforced by means of a Ticket under this Regulation.
- (2) A Ticket is presumed to have been received by the person named on the ticket:
- (a) if served on the person, on the date the Ticket was served;
 - (b) if left on a vehicle involved in a parking contravention, on the date that the Ticket was left on the vehicle;
 - (c) if the person is a corporation or a business, on the date that the Ticket is personally delivered to the business premises; and
 - (d) if mailed to the person, or to the registered office or head office of a corporation or business, on the 7th day after the date of mailing.
- (3) The use on a Ticket of any word or expression in Schedule A to designate a contravention, or a general description of a contravention, is deemed sufficient for all purposes to describe the contravention designated by that word, expression or general description.

Penalties for Contravention

- 4 The amount due for a contravention referred to in subsection 3(1) is:
- (a) subject to paragraphs (b) and (c), the Penalty in the amount established for that contravention;
 - (b) if received by the Tsawwassen First Nation on or before the 14th day after the date the Ticket was received or presumed received, the amount of the Penalty minus the Early Payment Discount established for that contravention; or
 - (c) if received by the Tsawwassen First Nation on or after the 29th day on which the Ticket was received or presumed to have been received, in addition to the Penalty, the Surcharge established for that contravention.

Time for Payment or Dispute

- 5
- (1) A person named on a Ticket must, within 14 days after receiving it or being presumed to have received it:
 - (a) pay the amount set out in subsection 4 (b) to the Tsawwassen First Nation; or
 - (b) dispute the allegation contained in the ticket by filing a notice of appeal in writing to the Judicial Council.
 - (2) If the payment required under subsection 5(1) or notice of dispute is not received by the Tsawwassen First Nation on or before the 14th day after the date the ticket was received or presumed received, the person named must immediately pay the full Penalty to the Tsawwassen First Nation.
 - (3) Subject to a decision by the Judicial Council after hearing an appeal, if the payment set out in subsection 5(2) is not paid within 29 days of receiving the ticket, the person named must pay, in addition to that amount, the Surcharge set out in subsection 4 (c).
 - (4) Payment or notice may be delivered in person during regular office hours, or by mail to the office of the Tsawwassen First Nation.
 - (5) Any payment imposed under subsection 5(2) or 5(3) is a debt immediately due and payable by the person to the Tsawwassen First Nation.

General

- 6
- (1) Schedule A and Form 1 are attached to and form part of this Regulation.
 - (2) This Regulation comes into force on May 1st, 2009.

SCHEDULE A

1.1 Column 1 Regulation	Column 2 Section	Column 3 Early Payment Discount	Column 4 Penalty	Column 5 Surcharge
Soil Transport, Deposit & Removal Regulation				
soil amounting to hazard	3.3 (b)	\$ 25	\$ 100	\$ 50
fouling water	3.3 (c)	\$ 25	\$ 100	\$ 50
obstructing stream, drain or sewer	3.3 (c)	\$ 25	\$ 100	\$ 50
damage or obstructing road, structure or utility	3.3 (d)	\$ 25	\$ 100	\$ 50
no valid permit:	4.1			
first contravention	4.1	\$ 100	\$ 1,000	\$ 100
subsequent contravention	4.1	250	\$ 2,500	\$ 100
non-compliance with permit	4.2	\$ 100	\$ 1,000	\$ 100
deposit over 3.5 metres	11.1 (b)	\$ 50	\$ 500	\$ 50
operating outside hourly limits	11.1 (f)	\$ 50	\$ 500	\$ 50
dust accumulation (road or air)	11.1 (g)	\$ 25	\$ 100	\$ 50
unauthorized use of fire hydrant	11.1 (h)	\$ 100	\$ 1,000	\$ 100
Business Regulation				
operating without valid licence	3.1	\$ 25	\$ 100	\$ 100
no separate licence	3.3	\$ 25	\$ 100	\$ 100
operating at premises other than specified in licence	3.5	\$ 25	\$ 100	\$ 100
licence not posted	3.9	\$ 25	\$ 50	\$ 50
non-compliance with licence	4.1 (b)	\$ 25	\$ 100	\$ 100
non-compliance with order or directive of TFN	4.1 (b)	\$ 25	\$ 100	\$ 100
Weapons Regulation				
Failure to exercise care (possession or control)	3.4	\$ 100	\$ 500	\$ 200

FORM 1

Tsawwassen First Nation

TICKET INFORMATION

TICKET NO. _____

ISSUED TO:

SURNAME OR CORPORATE NAME

Given Name (or corporate name, continued)

ADDRESS

DATE OF ISSUANCE

BYLAW ENFORCEMENT OFFICER _____ [ID NUMBER]

SAYS THAT HE OR SHE HAS REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED PERSON, ON OR ABOUT _____

Date of contravention

AT THE TIME OF _____ A.M. _____ P.M. CONTRAVENED THE FOLLOWING REGULATION:

Name of Regulation

Description of contravention Section No.

Particulars

Penalty Amount: _____

EARLY PAYMENT DISCOUNT: _____

Late Payment Surcharge: _____

IF THE PENALTY IS PAID WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE, IT IS REDUCED BY THE AMOUNT OF THE EARLY PAYMENT DISCOUNT.

YOU MAY PAY BY MAIL, SENDING YOUR CHEQUE OR MONEY ORDER, IN CANADIAN FUNDS, PAYABLE TO TSAWWASSEN FIRST NATION, TO THE ADDRESS BELOW; OR IN PERSON, BY CASH. PLEASE DO NOT SEND CASH IN THE MAIL. INCLUDE A COPY OF THE OTHER SIDE OF THIS NOTICE OR A NOTE INCLUDING THE TICKET NUMBER, YOUR FULL NAME AND ADDRESS, THE DATE OF ISSUE, AND THE REGULATION AND SECTION CONTRAVENED.

IF YOU WISH TO APPEAL THIS TICKET, WITHIN 14 DAYS AFTER THE DATE THIS TICKET WAS RECEIVED, OR DEEMED RECEIVED UNDER THE *TSAWWASSEN FIRST NATION TICKET REGULATION, 2009*, YOU MAY DELIVER A NOTICE TO THE TSAWWASSEN FIRST NATION JUDICIAL COUNCIL AT THE FOLLOWING ADDRESS:

**1926 TSAWWASSEN DRIVE,
TSAWWASSEN, BRITISH COLUMBIA
V4M 4G2**

IF A NOTICE OF APPEAL IS NOT RECEIVED BY THE 14TH DAY AFTER THIS DATE, YOU WILL BE DEEMED TO OWE THE PENALTY FOR CONTRAVENTION OF THE REGULATION NOTED ON THIS TICKET. IF THE PENALTY IS NOT PAID IN FULL WITHIN 29 DAYS AFTER THE DATE THIS TICKET WAS RECEIVED OR DEEMED RECEIVED, THE SURCHARGE WILL APPLY IN ADDITION TO THE PENALTY AND BOTH WILL BE TREATED AS A DEBT OWING TO THE TSAWWASSEN FIRST NATION.

THIS TICKET IS ISSUED PURSUANT TO THE TSAWWASSEN FIRST NATION

TICKET REGULATION, 2009, ENACTED UNDER THE:

TSAWWASSEN FIRST NATION LAWS ENFORCEMENT ACT.