

WALPOLE ISLAND INDIAN RESERVE # 46
WALPOLE ISLAND, ONTARIO

BY-LAW # 22

TITLE A By-Law to amend By-Law #9, sections 3(b), 4(b), 6(b), 7, 8 deleted, 14(3), 15 total, 16(2b), which provides for the construction and maintenance of a Waterworks System and the appurtenances thereto and for the payment of water rates and to regulate the use of water supplies.

PREAMBLE WHEREAS it has been deemed advisable that By-law #9 concerning the Waterworks System be amended.

NOW THEREFORE in pursuant to the authority of Section 81 (1) of the Indian Act, the Council of the Walpole Island Band enact as follows:

ENACTMENTS

1. In this by-law:

- (a) "band" means the Walpole Island Band of Indians;
- (b) "Council" means the Council of the Walpole Island Band of Indians;
- (c) "owner" includes a person who occupies or resides on any lands as a locatee, tenant, licensee or permittee;
- (d) "service connection" means the service pipes, fittings and valves laid, constructed or installed or that may be laid, constructed or installed by the water commissioner to the lot line of the applicant pursuant to an application for water services under this By-law and includes any replacement or extension thereof made at any time or from time to time;
- (e) "water commissioner" means the person designated as such by the Council from time to time;
- (f) "waterworks system" means the water distribution and pump system laid, constructed and installed on Walpole Island Indian Reserve and any extension or replacement thereof made at any time or from time to time and includes all service connections.

2. An application for a supply of water from the waterworks system may be entertained by the Council between March 31st and October 15th in any year.

3. Where an owner of lands used or occupied for the purpose of a cottage site, business or commercial enterprise or where an owner, other than a band member, of lands used or occupied for the purpose of residence, requires a supply of water from the water system he shall:

- (a) make a written application to the Council, and
- (b) deposit with the Council for application towards the cost of construction of the connection, the sum of one hundred thirty dollars (\$130.00)

4. Where a member of the band - an owner of land used for residential purposes - requires a supply of water from the water system, he shall:

- (a) make a written application to the Council, and
- (b) deposit with the Council for application towards the cost of construction the sum of forty dollars (\$40.00).

5. Where an application for a supply of water from the water works system is not approved by the Council, the deposit shall be returned to the applicant.

6. (a) Where an application by an owner pursuant to Section 3, hereof, has been approved by the Council and the applicant has deposited with the Council the monies required to be deposited by this By-law, the water commissioner shall construct to the lot line of such owner the required service connection.

(b) Where an application by an owner pursuant to Section 4 hereof has been approved by the Council and the applicant has deposited with the Council the monies required to be deposited by this By-law, the water commissioner shall construct to the lot line of such owner the required service connection and may with the approval of the Council provide free of charge to the applicant up to fifty feet of 3/4" plastic piping of the proper size as determined by the water commissioner.

7. A water service connection shall be of a size not smaller than 5/8" nor larger than 1 1/2" which size shall be determined by the water commissioner.
8. Every owner who is to receive a supply of water from the waterworks system shall install such fittings, pipes, taps and plumbing fixtures in, under and about his premises which in the opinion of the water commissioner, are necessary to receive and control the water conveyed from the waterworks system.
9. Where an owner has complied with all the provisions of this By-law, the water commissioner shall turn on the water to the premises of such owner.
10. Every owner shall repair and maintain and keep repaired and maintained all fittings pipes, taps and plumbing fixtures installed pursuant to Section 9.
11. No owner shall install or lay any pipes, fittings, taps and/or plumbing fixtures in or about his premises for the purpose of receiving water from the waterworks system unless such pipes, fittings, taps and plumbing fixtures have been approved by the water commissioner.
12. (1) The water commissioner may enter the premises of any owner connected to the waterworks system for the purpose of inspecting the pipes, fittings, taps, and plumbing fixtures.
(2) If the water commissioner is of the opinion that the pipes, fittings, taps and plumbing fixtures in or about the premises of any owner are defective or are in need of repair: or that additional fittings or plumbing fixtures are required to receive or control the water or prevent frost damage to the service connection he shall serve upon the owner a notice in writing to correct the condition.
(3) The notice referred to in subsection (2) shall state a reasonable time within which the owner is to correct the condition referred to in the notice.
(4) Where:
 (a) The notice referred to in sub-section (2) has been served on the owner,
 (b) in the opinion of the water commissioner the owner has not corrected the condition referred to in the notice the water commissioner may turn off the supply of water to the premises of the owner until such time as the connection has been corrected.
13. (1) In this section "year" means the period commencing the 15th day of June and ending the 14th day of June immediately following.
(2) Water rates shall be paid to the Council on or before the commencement of each year.
(3) Where a service connection is laid and constructed pursuant to an application made pursuant to Section 3 or 4 hereof and the premises of the owner is equipped to receive and control water from the water supply system the owner shall pay to the Council prior to the turning on of the water by the water commissioner a proportion of the water rate based on the number of days remaining to the 14th of June, immediately following.
(First bill, 24th of May. Final notice, 10th day of June.)
14. The following water rates shall be paid to the Council each year:
 - (a) by an owner, who is a member of the band, of lands used or occupied entirely for residential purposes \$ 30.00
 - (b) by an owner of lands, other than band members, used or occupied for the purpose of, or in connection with a residence or cottage site \$ 35.00
 - (c) by an owner of lands used for the purpose of, or in connection with the operation of an office building or store \$ 40.00
 - (d) by an owner of lands used for the purpose of, or in connection with the operation of a restaurant, cafe or snack bar \$ 50.00
 - (e) by an owner of lands used or occupied for the purpose of, or in connection with any business or commercial enterprise not mentioned above, a rate to be determined from time to time by a resolution of the Council
 - (f) Day School and Study Centre and Day Nursery \$ 300.00

- 15A (1) Notwithstanding anything in this By-law the Council may require an owner to pay a flat water rate in such amount and in such manner as it may determine from time to time.
- (2) The rate established pursuant to subsection (1) of this section shall not be less than the highest single rate that would otherwise be payable by the owner under Section 15 hereof.
- (3) The amount of the water rate established under this section for an owner whose lands are used for or in connection with a particular purpose shall be consistent with the water rates established under this section for other owners whose lands are used for or in connection with a similar purpose.
- 15B (1) The Council may install, at its expense, a water meter in, on or about the premises of any owner which is connected to the waterworks system.
- (2) A water meter installed under this section shall be and remain the property of the band.
- (3) The water commissioner may enter in, on or upon the premises of an owner from time to time for the purpose of reading the water meter.
- (4) Where a water meter is installed in, on or about a premise the owner thereof shall pay to the Council a water rate in such amount as the Council may from time to time determine by resolution.
- (5) The amount of the water rate established under this section for an owner whose lands are used for or in connection with a particular purpose shall be consistent with the water rates established under this section for other owners whose lands are used for or in connection with a similar purpose.
16. (1) If an owner neglects or refuses to pay water rates when due the water commissioner may turn off the water to this premises.
- (2) If the owner pays to the Council
- (a) the water rates in arrears, and
 - (b) a service charge of Ten dollars for the turning on of the water, the water commissioner shall turn on the water supply.
17. Every owner of lands used or occupied for the purpose of or in connection with a cottage site shall notify the water commissioner the date upon which his cottage shall be closed for the winter season and upon being so notified the water commissioner shall turn off the water.
18. No owner shall waste or permit water conveyed to his premises for the waterworks system to be wasted.
19. (1) No owner shall use or permit water conveyed to his premises from the waterworks system to be used for purposes other than domestic purposes without the consent in writing of the water commissioner.
- (2) In this section the term "domestic purpose" does not include irrigation purposes or lawn or garden watering.
20. The Council or the water commissioner shall not be liable to any owner or any other person for any damage to the property, lands, or buildings of any such owner or person as the result of, or by reason of, or occasioned or attributable to the turning off or the water to the premise of the owner of the failure or breakdown of the waterworks system.
21. The water commissioner may, for the purpose of constructing, repairing, maintaining or extending the waterworks system or making any additions thereto, shut off the water supply to the premises of any owner for such period of time as he considers necessary to complete the work.
22. All service fees, charges and rates collected pursuant to this By-law shall, when required, be expended by the Council for the construction and maintenance of the waterworks system.
23. This By-law shall come into force and effect upon final passing and approval of the Minister of Indian Affairs.

Approved and passed at a duly conducted meeting of the Council of Walpole Island Band of Indians this 23rd day of September, 1974.

Chief Donald D. Isaac
CHIEF

Eldron Dodge, Sr.
COUNCILLOR

Parker Pinnance
COUNCILLOR

Dean M. Jacobs
COUNCILLOR

Burton Jacobs
COUNCILLOR

Frank Kicknosway
COUNCILLOR

Winston Day
COUNCILLOR

Beulah Johnson
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COUNCILLOR

Lena White
COUNCILLOR

COUNCILLOR

Wilcy Kewayosh

COUNCILLOR