

SOR/74-661
REC 9/74

Being a by-law to Provide for the raising of monies to provide for Community Services within the Kincolith Reserve Number 14 in the Province of British Columbia.

1) whereas, paragraphs (a), (i), (q) and (r) of Section 81 of the Indian Act empowers the Council of a Band to make by-laws to provide for the health of the residents on the reserve and to prevent the spreading of contagious and infectious diseases; and to construct and maintain roads and other local works; and to construct and regulate the use of water supplies; and to improve and impose penalties for the violation thereof:

2) AND WHEREAS, it is deemed important for the welfare of the inhabitants of number 14 reserve of the Kincolith Band to service all lots on reserve number 14 to give road access to these lots; to police these lots and prevent vandalism or fire on these lots; to ensure no health hazard is created by pollution of these lots; and to provide fire protection for these lots:

3) NOW THEREFORE, The Council of the Kincolith Band of Indians enacts as a by-law thereof the following:

A by-law to provide for the raising of monies by the levying of a Community Service Rate, on lots under Certificates of Possession, to maintain community facilities and services within Reserve Number 14 of the Kincolith Indian Band in the Province of British Columbia.

SECTION 1

This by-law may be cited as "Lot Owner's Community Services By-Law 1974".

SECTION 2

In his by-law:

- (a) "Band" means the Kincolith Band of Indians;
- (b) "Council" means the Council of the Kincolith Band of Indians as defined in the Indian Act;
- (c) "Band Manager" means the Senior Administrative Officer of the Kincolith Band Staff as appointed by the Council;
- (d) "Lot" means that surveyed area of land, Kincolith Reserve Number 14 under legal survey number plan of Record BC 1161 - 1954;
- (e) "Certificate of Possession" means that document described in Section 20 (2) of the Indian Act used as evidence of an Indian's right to possession of land described in said certificates;
- (f) "Lot Owner" means the owner of a lot, by means of Certificate of Possession.
- (g) "Reserve" means Kincolith Reserve Number 14. A tract of land set apart by Her Majesty, pursuant to the Indian Act, for the use and benefit of the Kincolith Band of Indians.

SECTION 3

The costs of repairing and maintaining community facilities and of providing community services shall be defrayed in part by a Lot Owner's Community Services Rate (hereinafter called the "Rate", to be levied upon registered holders of Certificate of Possession in Kincolith Reserve Number 14.

SECTION 4

The amount of the Rate shall be as specified in Schedule "A" which is attached to, and forms part of, this By-law.

SECTION 5

The Band manager, not later than the thirtieth day of November, 1974 and the thirtieth day of November of each year thereafter, shall give notice of the levying of the Rate to each Lot Owner, in form "A", attached to this By-law.

SECTION 6

The Band Manager shall, on or before such date in each year as may be fixed by the Council, prepare a lot owner's Community Services Rate Roll (hereinafter called the "Roll"), which shall contain all information required by this by-law and in such a Roll he shall set down and enter:

- (a) The name of each lot owner corresponding to the current registered list of his band's Certificate of Possession.
- (b) The total amount of the Rate for which each Lot Owner is liable.
- (c) The Rate payments made by or on behalf of each Lot Owner.
- (d) The total arrears of Rate payments due for each lot owner.

SECTION 7

The Rate shall be levied upon only one lot owner with respect to each lot under Certificate of Possession. The Council shall determine which person will be entered on the Roll as a Lot owner in each case.

SECTION 8

- (a) The amount of the Rate shall be paid by each lot owner to the manager.
- (b) The Council by Resolution may require any, or all, of the Rate, or any installment thereof, to be payable on a certain day/or days and may, by way of penalty impose such additional percentage charge not exceeding 15% of the total rate, as is considered expeditious for the payment of the rate.
- (c) Any percentage charge imposed under Subsection (a) of this section shall be added to, and form part of, the total rate in arrears.

SECTION 9

- (a) All Rate monies collected shall be deposited by the Manager in the same manner as other revenue received by the Council.
- (b) The Band Manager, or his alternate, shall make an accounting of rate monies collected and report the same to Council.

SECTION 10

(a) The Council may, with respect to any lot owner, in any case where the Council considers it equitable to do so:

(i) Cancel or refund all, or any part of the rate; or

(ii) suspend or defer the Rate for such period of time and on such terms and conditions as, to the Council, seems proper.

(b) Action shall not be taken pursuant to this Section until the Council has adopted an authorizing Resolution approved by at least two thirds of the members of Council present at a duly constituted Council meeting.

SECTION 11

The Council may, with respect to any lot owner, who fails to pay the Rate in accordance with this By-law including a scheduled made under Section 8(b) reduce or discontinue the provision of such Community Services as the Council shall determine until such time as the Lot Owner has paid the total amount of the Rate or any installment thereof for which the Lot Owner is liable.

SECTION 12

Any lot owner who fails to pay the Rate in accordance with this By-law including a schedule made pursuant to Section 8(b) shall be guilty of an offence and shall be liable on summary conviction to fine not exceeding \$100.00.

Enacted this fifteenth day of November, 1974.

Original Signed

Chief Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Form "A"

NOTICE OF ASSESSMENT

LOT OWNERS COMMUNITY SERVICE RATE

TO: _____ Non-Resident
Resident

Take notice that for the Years January 1-/69 to December 30-/74 you are assessed the sum of _____ dollars for repairs and maintenance of community facilities, and for the provisions of Community services, and you are required to pay the same to the undersigned on or before the ^{28th} ~~first~~ day of ~~January 1975~~ ^{February 1975}. Payment shall be on a once annual basis hereafter on or before January 1st. for ensuing assessment years.

DATED THIS _____ DAY OF _____ 19 _____

Manager of Band Council

Continued page.....6

SCHEDULE "A"

Of the Kincolith Band of Indians' By-law Number 7.

HOME OWNERS COMMUNITY SERVICE RATE:

RESIDENT ANNUAL.....	\$10.00
NON RESIDENT ANNUAL.....	\$15.00

That from January 1/69 to December 30th 1974 retroactive annual at \$10.00/\$15.00 per year total of \$50.00/\$75.00 per each Certificate of Possession.

From January 1/75 forward the assessment shall be

\$10.00 Resident Annual in advance

\$15.00 Non-Resident

of January 1sts. each successive year until such time as the By-law may be amended.