

BAND COUNCIL RESOLUTION

Chronological No. 987-1970-71-37
H.Q. Reference

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

COUNCIL OF THE MUSQUEAM BAND	FOR HEADQUARTERS USE ONLY
AGENCY FRASER DISTRICT	
PROVINCE BRITISH COLUMBIA	
PLACE VANCOUVER	
DATE <u>14</u> <u>September</u> AD 19 <u>70</u> DAY MONTH YEAR	

DO HEREBY RESOLVE:

The Council of the Musqueam Band of Indians at a meeting held this 13th day of September 1970, makes the following by-law pursuant to paragraphs (g) and (r) of Section 80 of the Indian Act.

By-law No. 2 :

A by-law to divide Musqueam Indian Reserve No. 2 in the Province of British Columbia into zones and to regulate the development and the use of the land, and the location and use of buildings and structures; to conserve and stabilize the value of property; to provide adequate open spaces for light and air; to protect and improve the Reserve as a place to live; to promote health, safety and the general welfare; to protect areas for economic, residential, and recreational development; and generally to promote the development of the Reserve in the best interests of the Band.

1. Application:

This by-law shall be applicable to all areas of the Musqueam Reserve No. 2 as shown on the map which is attached to and forms part of this by-law.

2. Definitions:

In this by-law, unless the context otherwise requires:

"Dwelling Unit" shall mean a self-contained housekeeping unit which contains one or more rooms equipped to be used for sleeping and sitting purposes, and facilities for cooking.

..... (Chief) (Councillor) (Councillor)
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FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue			
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6. Recommended			7. Approved		
..... Date Authorized Officer		 Date Assistant Deputy Minister,		

Musqueam Indian Band
Band Council Resolution

- 2 -

"Single Family Dwelling Unit" shall mean a building consisting of not more than one dwelling unit.

"Multiple Family Dwelling Unit" shall mean a building divided into two or more dwelling units.

"Site" shall mean an area of land consisting of one or more adjoining parcels or lots abutting on a street not being a lane.

"Yard" shall mean any part of a site unoccupied and unobstructed from the ground to the sky.

"Front Yard" shall mean that portion of the site between the front line of the site and the front of the building and extending across the full width of the site.

"Rear Yard" shall mean that portion of the site between the rear line of the site and the rear of the building, and extending across the full width of the site.

"Side Yard" shall mean that portion of the site extending from the front yard to the rear yard and lying between the side line of the site and the side of the building.

3. Zones:

The whole of the area shown on the map which is part of this by-law is hereby divided into zones with the following designations:

- Single Family Residential
- Multiple Family Residential
- Agricultural
- Recreational

The boundaries of such zones are as outlined on the map referred to above.

4. Permitted and Non-permitted Uses of Land, Buildings and Structures:

- a. The use of land, buildings, and structures shall be in accordance with the permitted uses specified in this by-law, and no other uses except those specified shall be permitted.
- b. In all zones, the following uses of land, buildings, and structures shall be permitted:
 1. Necessary services and utilities
 2. A building, structure, or use customarily accessory to any permitted use.
- c. With the approval of the Council of the Band, the following uses may be permitted in any zone, subject to such conditions and regulations as the Council may decide:
 1. single family dwelling
 2. greenhouse
 3. parking area
 4. parks, playgrounds, sports facilities, campsites and picnic grounds, schools, (including kindergarten, day-care school, day nursery) where such facilities are provided for or operated by the Musqueam Band, a Government or public agency, or by a non-profit or charitable organization.

Musqueam Indian Band
 Council Resolution

- 3 -

- 5. Church
- 6. community hall or long house
- 7. business or commercial undertaking
- 8. cemetery

5. Single Family Residential Zone:

Permitted uses:

- a. single family dwelling units
- b. smoke houses, provided that such structures are located in a rear yard of a site occupied by a dwelling unit
- c. automobile wrecking and repairing, provided that such uses are of a private or non-commercial nature, and are restricted to the rear yard of a site occupied by a dwelling unit
- d. the storage of mobile homes, portable structures or trailers provided that:
 - i. such units, or areas developed as allotted for their use, are not offered for sale, lease or rental;
 - ii. such units not to be occupied or used on the Reserve as dwelling units;
 - iii. no such unit shall exceed three (300) hundred square feet in area measured externally;
 - iv. no such unit shall be stored on a site not occupied by a dwelling unit;

6. Multiple Family Residential Zone:

Permitted uses:

- a. multiple family dwelling units

7. Agricultural Zone:

Permitted uses:

- a. truck garden, nursery, field crops, berry or bush crops, orchard, X pasture land, provided that there is no use or storage of animal manure.

8. Recreational Zone:

Permitted uses:

- a. parks, playgrounds, sports facilities, campsites, and picnic grounds provided that such facilities are provided for or operated by the Musqueam Band, a Government or public agency, or by a non-profit or charitable organization.

9. Non-conforming Uses:

- a. A building or structure lawfully under construction at the time of the coming into force of this by-law shall, for the purposes of this by-law be deemed to be a building or structure existing at that time.
- b. A lawful use of premises existing at the time of the adoption of this zoning by-law, although such use does not conform to the provisions of this by-law, may be continued, but if such non-conforming use is discontinued for a period of sixty days, any future use of those premises shall be in conformity with the provisions of this by-law.

Mt. Queam Indian Band
Band Council Resolution

- 4 -

9. c. No additions or structural alterations except those required by statute or by-law, shall be made to a non-conforming structure without the approval of the Council of the Band.
- d. Where any building or structure the use of which does not conform to the provisions of this by-law is damaged or destroyed to the extent of seventy-five per cent or more of its value above its foundations, as determined by the Building Inspector, whose decision shall be subject to review by the Council of the Band, it shall not be repaired or reconstructed, except for a conforming use in accordance with this by-law.
- e. A change of tenants or occupants of any premises or building or structure shall not be deemed to affect the use of the premises or building or structure within the meaning of Section 9 of this by-law.

10. Enforcement:

- a. The Building Inspector, who shall be appointed by the Council of the Band to administer or enforce this by-law may be authorized by the Council to enter at all reasonable times upon any property to find out whether the provisions of this by-law are being, or have been obeyed.
- b. The Council of the Band shall establish by by-laws, when required, a Zoning Board of Appeal to hear and determine appeals from persons with respect to matters arising under any section of this by-law. The Board may, to the extent necessary to give effect to its determination, exempt any appellant from the applicable provisions of this by-law. The Board shall consist of two persons to be appointed by the Council of the Band, two to be appointed by the Fraser Indian District Supervisor, and a Chairman, who shall be appointed by a majority of the other appointees.
- c. Each member of the Zoning Board of Appeal shall hold office for a term of one year, or until his successor shall be appointed, but a person may be re-appointed for a further term or terms.

11. Relaxation of the By-Law:

- a. The Council of the Band may relax the provisions of this by-law where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship.
- b. The Council of the Band before granting any relaxation shall be satisfied that any locatee or lessee who is likely to be adversely affected is notified. If any person so notified shall object then such relaxation shall not be granted but the applicant for such relaxation may then exercise his right of appeal to the Zoning Board of Appeal at which time representations regarding the relaxation shall be heard.

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COUNCIL OF THE <u>Musqueam</u> BAND		FOR HEADQUARTERS USE ONLY
AGENCY	<u>Fraser District</u>	
PROVINCE	<u>British Columbia</u>	
PLACE	<u>Vancouver</u>	
DATE	<u> </u> AD 19 <u> </u> YEAR	

DO HEREBY RESOLVE:

- 5 -

12. Violation:

- a. No person shall use or occupy any land, building or structure in violation of the provisions of this by-law.
- b. It is unlawful for any person to prevent or obstruct or attempt to prevent or obstruct the authorized entry of the Building Inspector.

13. Penalties:

- a. Any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment.
- b. Every person who commits an offence of a continuing nature against this by-law is liable to the penalty or penalties authorized under paragraph 12(a) of this by-law for each day such an offence is continued.

<p>..... (Councillor)</p> <p>..... (Councillor)</p> <p>..... (Councillor)</p> <p>..... (Councillor)</p>	<p><i>Edwin J. Guerin</i> (Chief)</p> <p><i>Albert Guerin</i> (Councillor)</p> <p><i>Gertrude Guerin</i> (Councillor)</p> <p><i>Harry Point</i> (Councillor)</p> <p><i>Aileen Sparrow</i> (Councillor)</p>	<p>..... (Councillor)</p> <p>..... (Councillor)</p> <p>..... (Councillor)</p> <p>..... (Councillor)</p>
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	A. Capital	B. Revenue			
<p>..... Date</p> <p>..... Authorized Officer</p>	<p>7. Approved</p> <p>..... Date</p> <p>..... Assistant Deputy Minister,</p>				