
MUSQUEAM INDIAN BAND

CONSTRUCTION OF BUILDINGS BY-LAW

This By-law is made pursuant to Section 81(1) (h), (q) and (r) of the *Indian Act*.

WHEREAS the Band Council (the "Band Council") of the Musqueam Indian Band (the "Band") deems it to be expedient and in the best interests of the Band to make a by-law exercising its powers under the said section of the *Indian Act* for the purpose of the regulation of the construction of buildings on the reserves of the Band (the "Reserves");

NOW THEREFORE the Band Council of the Band enacts as a by-law the following:

1. No person shall construct a building on a Reserve except under the authority of a Permit issued pursuant to section 3 and in the manner specified in the Permit.
2. No person who is in possession of any lands in a Reserve and no person to whom any lands in a Reserve have been leased or who occupies, uses, resides or otherwise exercise rights on land in a Reserve shall permit any person to construct any building on the Reserve unless a Permit to construct the building has been issued pursuant to section 3 and is still valid.
3. The Band Council may by way of a Band Council Resolution issue to any person a permit authorizing that person to construct a building on a Reserve (a "Permit") upon written application by that person for a Permit. The application shall be accompanied by sufficient drawings, plans and other relevant documentation prepared by appropriately qualified persons to indicate the nature and scope of the proposed building.
4. A Permit shall:
 - (a) Specify the land in the Reserve in respect of which the Permit is issued, and

(b) ~~Specify the manner in which the activity authorized therein shall be exercised.~~

5. Before deciding whether to issue the Permit, the Band Council shall give the person applying for a Permit the opportunity to appear before the Band Council and explain the basis of the application and, in deciding whether to issue a Permit, the Band Council shall give proper consideration to such explanation.
6. In addition to hearing from the person applying for a Permit, the Band Council may also hear from other people who it considers will be affected by the construction of the proposed building.
7. No member of the Band Council who may reasonably be considered to be biased shall take part in the decision whether to grant a Permit.
8. Before making a decision whether to issue a Permit, the Band Council may require the person applying for a Permit to provide further particulars of, or documentation relating to the proposed building prepared by appropriately qualified persons and may obtain the views of independent architects, engineers or consultants on the technical aspects of the proposed building.
9. If the holder of a Permit issued pursuant to section 3 constructs a building other than in the manner specified in the Permit, the Band Council may cancel the Permit and order the holder of the Permit to cease construction of the building and to remove the building.
10. Any person who has been ordered by the Band Council to cease construction or to remove a building pursuant to section 9 shall comply with that order without delay.
11. No person shall connect to any services situated on, under or above lands owned by the Band without the prior written consent of the Band and subject to any conditions imposed by the Band and any unauthorized connection shall be a breach of this By-law. A person shall comply within a reasonable period with a request made on behalf of the Band to remove an unauthorized connection.
12. (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

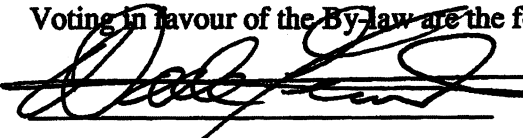
Thousand Dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment;

(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 13(a) of this By-law for each day such an offence is continued.

- 13. This By-law is subject to the *Indian Act* and regulations made thereunder.
- 14. A finding by a court that a provision of this By-law is void or invalid shall not affect the validity of the rest of the By-law.
- 15. This By-law may be amended from time to time or repealed by a by-law made in accordance with the *Indian Act*.
- 16. This By-law shall apply to all Reserves.
- 17. This By-law shall come into force forty days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Musqueam Indian Band this 4th day of January, 2010.

Voting in favour of the By-law are the following members of the Council:



(Member of the Council)



(Member of the Council)



(Member of the Council)



(Member of the Council)

(Member of the Council)



(Member of the Council)

(Member of the Council)

(Member of the Council)

(Member of the Council)

(Member of the Council)

being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council. The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 5.

I, Wayne Sparrow, ~~Chief~~/Councillor of the Musqueam Indian Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at Ottawa office of the department pursuant to subsection 82(1) of the *Indian Act* this 4th day of January, 2010.

J. Reynolds
(Witness) James I. Reynolds

Wayne Sparrow
(Chief Councillor)