



KWAYHQUITLUM

Kwayhquitlam Nation (Coquitlam Indian Band)

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By-Law No. 1 1993

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By-Law to designate the Reserves of the Kwayhquitlam Nation (Coquitlam Indian Band) (the "Band"), or portions thereof, as Special Development Zones and to prohibit the construction or maintenance of any class of buildings, or any use of land, or the carrying on of any class of business, trade or calling within such Special Development Zones, except to the extent that such construction or maintenance of any class of buildings, such use of land or such carrying on of any class of business, trade or calling conforms to the requirements of this By-Law and amendments thereto.

WHEREAS the Council of the Band desires to establish a By-Law to designate the Reserves of the Band as Special Development Zones and to prohibit any construction or maintenance of buildings, or use of land, or carrying on of any class of business, trade or calling within such Special Development Zones, except to the extent the use conforms to the requirements of the By-Law; and

WHEREAS the Council of the Band is empowered to make such a By-Law pursuant to Paragraphs 81(1)(g),(q) and (r) of the Indian Act of Canada.

NOW THEREFORE the Council of the Band hereby enacts as a By-Law of the Band as follows:

1. Definitions - All words and phrases used in the By-Law shall have the meanings set out in the Indian Act of Canada.

2. Establishment of Special Development Zones - The following Reserves of the Band are designated Special Development Zones:

- (a) Coquitlam I.R. # 1; and
- (b) Coquitlam I.R. # 2;

together with such other Reserves, parts of Reserves and lands as are the property of the Band and such other parcels of land as may, pursuant to the Indian Act of Canada, hereinafter become Reserves of the Band either as additions to the aforementioned Reserves or as new Reserves.

3. Restrictions and Prohibitions in Special Development Zones -

(a) Within a Special Development Zone, no building or structure shall be commenced, built, constructed, reconstructed, altered, moved, extended or maintained unless it is in conformity with the requirements of this By-Law and amendments thereto.

(b) Within a Special Development Zone, no land shall be used in any way unless it is in conformity with the requirements of this By-Law and amendments thereto.

(c) Within a Special Development Zone, no business, trade or calling shall be carried on unless it is in conformity with the requirements of this By-Law and amendments thereto.

4. Non-Conforming Uses -

(a) A lawful use of premises or land or the lawful carrying on of any class of business, trade or calling in a Special Development Zone at the time of the coming into force of this By-Law may be continued as a non-conforming use, but if such non-conforming use is discontinued for a period of thirty (30) days, any future use of such premises or land or carrying on of any business, trade or calling shall be in conformity with this By-Law and amendments thereto.

(b) Where any building or structure, the use of which is non-conforming, is damaged to the extent of sixty-six percent (66%) or more of its value or area, as determined by the Band, it shall not be repaired or reconstructed except in conformity with this By-Law and amendments thereto.

5. Principles for Development - Upon the application of a member of the Band, the lawful holder of an interest in land in a Special Development Zone or any other person, the Band Council may by Band Council Resolution ("BCR") determine the terms and conditions under which the building, construction, reconstruction, alteration, moving, extension or maintenance of buildings and structures may be carried out, the use to which the land may be put and the businesses, trades and callings which may be carried out, and in doing so shall have due regard to the following considerations:

(a) The promotion of health, safety, convenience and welfare of the members of the Band, residents and occupants and other persons who have a lawful interest in lands within the Special Development Zone;

(b) The prevention of overcrowding on the land and the preservation of the amenities peculiar to the Special Development Zone;

(c) The securing of adequate light and reasonable access;

(d) The value of the land in the Special Development Zone and the nature of its present and prospective use and occupancy;

(c) The character of the Special Development Zone, the character of the buildings already erected and the peculiar suitability of the Special Development Zone for particular uses,

(f) The conservation of property values;

(g) The development of the Special Development Zone to promote greater efficiency and quality;

(h) The development of the Special Development Zone to the general economic and social welfare and advancement of the Band; and

(i) With respect to commercial ventures, the compliance with the following development principles:

(i) Each development shall protect the natural integrity of the Special Development Zone, shall be environmentally sound and shall not impose any threat of irreparable damage to the Special Development Zone, or any occupants of the Zone;

(ii) Each development shall respect the traditional life style of the Band, or provide an acceptable compromise to all members of the Band that may be affected by the development;

\* (iii) Each development shall only be implemented in accordance with a sound business plan approved by the Band Council;

(iv) Each development shall embody the concepts of fairness, integrity, honesty and mutual respect for all people;

(v) Each development shall provide to the Band a minimum of majority profit participation and equal ownership; and

(vi) Each development shall provide the maximum number of meaningful, long term employment opportunities for all members of the Band, as well as for those from other First Nations, and such employment shall include employment created in direct project related activity as well as the establishment of secondary service businesses required to support the development. Coquitlam Indian Band

In the case of commercial ventures, the Band Council may refer the proposed BCR to a general band meeting for approval by the membership of the

6 Applications for Amendments - Every applicant for approval pursuant to this By-Law or a permit for the development, construction, reconstruction, alteration or extension of a building or structure and for the operation of a business, trade or calling, and every

person intending to commence, build, construct, reconstruct, alter or extend a building or structure or to operate a business, trade or calling shall submit an application in writing to the Band Council indicating the following information:

- (a) A site plan or site plans including a legal description of the area to be affected and the location of all existing and proposed buildings, streets, lanes, highways, driveways, parking and loading areas, sidewalks, street lights, utilities and utility easements, streams and other topographical features of the site;
- (b) Preliminary architectural plans for any proposed buildings;
- (c) Existing and proposed grades and their relations to the elevations on adjoining properties;
- (d) The location, size, height, colour, lighting and orientation of all signs;
- (e) The location and treatment of open spaces, landscaping and fences;
- (f) A statement of intended use;
- (g) A statement of the interest of the applicant in the land and the development;
- (h) An estimated commencement date and a proposed schedule of construction; and
- (i) A statement of the financial responsibility of the applicant;

together with such other information as shall in the opinion of the Band Council be necessary to enable the Council to have due regard to the considerations enumerated in Section 5 of this By-Law.

#### 7. Penalties -

- (a) Every person who violates or causes or allows to be violated any of the provisions of this By-Law shall be guilty of an offence against this By-Law, and each day on which such violation occurs or is caused or allowed to continue shall constitute a separate offence.
- (b) Every person guilty of an offence against this By-Law shall be liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not exceeding thirty (30) days, or both, for each offence committed.
- (c) Where a person guilty of an offence under this By-Law is a corporation, every person who at the time of the offence is a director or officer of the corporation is guilty of an offence under this By-Law, unless the director or officer proves that the act or



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Band Council Resolution of the Kwayhquitlam Nation.  
(Coquitlam Indian Band) (the "Band")

The undersigned, being the Chief and Council of the Band, hereby consent to and approve the following Band Council Resolution:

WHEREAS the Band has proposed the opening of a convenience store selling among other items cigarettes and other tobacco products; and

WHEREAS the Band has made an application to the Ministry of Finance and Corporate Relations for an Exempt Retail Dealer permit pursuant to the Tobacco Taxation Act (B.C.) and in doing so the Chief and Council wishes to set out certain guidelines for the conducting of such business on the Band's reserve lands and the conducting of other similar businesses on the Band's reserve lands:

RESOLVED, as a Bands Council Resolution, that:

1. The intention of the Band with respect to tobacco sales on its reserve lands is to limit the right to sell tobacco products only to those persons who have been appropriate authorizations under the Tobacco Tax Act (B.C.) or other applicable legislation and adhere to the conditions set out in such authorizations;
2. The application for such and authorization in favour of the Band in connection with a convenience store selling among other items cigarettes and other tobacco products is hereby approved by the Chief and Council of the Band, with any of the Chief, any council member, the Band manager or any other person authorized in writing by the Chief and Council being authorized to represent the Band in connection with such authorization and the ongoing communications with the Ministry of Finance and Corporate Relations (B.C.), and
3. the Chief and Council has passed a By-Law pursuant to the Indian Act of Canada which requires any person wishing to operate a commercial venture on the Band's reserve lands to first receive the approval of the Chief and Council of the Band, which By-Law has been submitted to Indian and Northern Affairs Canada for approval and filing, a copy of which is to be provided to the Ministry of Finance and Corporate Relations (B.C.) upon notification from Indian and Northern Affairs Canada that the same has been approved and is in force.



KWAYHQITLUM

Dated this \_\_ day of June, 1993.

*Glen Joe*

Chief Glen Joe

*Oliver Dan*

Councillor Oliver Dan

*Ken Joe*

Councillor Ken Joe

*George N. Chaffee*

Councillor George Chaffee

*Bernice Zwaryck*

Councillor Bernice Zwaryck