

THE BELLA BELLA BAND OF INDIANS

By-law 12.74

- TITLE: Community Services Rate By-law 1974
- PURPOSE: To authorize the raising of funds required to provide essential community services to Bella Bella Reserve No. 1.
- AUTHORITY: Paragraphs (a), (b), (e), (f) and (g) of subsection 1 of Section 83 of the Indian Act; and Order-in-Council PC 1953-659 dated April 30, 1953.
- ENACTMENTS:
1. By-law Number 11 enacted March 8, 1973, and entitled "Home Owner's Community Services By-law 1973", be and the same, is hereby repealed.
 2. In this By-law:
 - (a) "Council" means the Council, as defined in the Indian Act, of the Bella Bella Band of Indians;
 - (b) "Reserve" means the tract of land set apart by Her Majesty within the definition of the Indian Act, for the use and benefit of the Bella Bella Band of Indians known as Bella Bella Reserve Number One;
 - (c) "Band Manager" means the senior administrative officer of the Bella Bella Band as appointed by Council;
 - (d) "Home" means a substantially self-contained dwelling containing facilities for sleeping and cooking and intended for the residential use of one family unit;
 - (e) "Home Owner" means the owner of a home;
 - (f) "Owner" means the owner, agent of the owner, lessee, or primary occupier of any premises located on the Reserve;
 - (g) "Commerical-Institutional Owner (Type I)" means the owner of premises not exceeding two thousand square feet in floor area, and used for Commercial-Institutional purposes;
 - (h) "Commercial-Institutional Owner (Type II)" means the owner of premises exceeding two thousand square feet of floor area, and used for Commercial-Institutional purposes; and
 - (i) "Commercial-Institutional purposes" means the carrying on of a commercial, industrial, business, or manufacturing undertaking of any kind or nature, or the providing of professional, personal, medical, educational, or other services, whether for purposes of gain or profit or not.
 3. The costs of repairing and maintaining community facilities and of providing community services shall be defrayed in part by a Community Services Rate (hereinafter called the "Rate"), to be levied upon Owners in the Reserve.

4. The amount of the Rate shall be as specified in Schedule "A" which is attached to, and forms part of, this By-law.
5. The Band Manager, not later than the first day of April in each year shall give notice of the levying of the Rate to each Owner, in form "A" attached to this By-law.
6. The Band Manager shall, on or before such date in each year as may be fixed by the Council, prepare a 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 and category of each Owner;
 - (b) the total amount of the rate for which each Owner is liable;
 - (c) the Rate payments made by or on behalf of each Owner; and
 - (d) the total arrears of Rate payments due for each Owner.
7. The Rate shall be levied upon only one Owner with respect to each premise. The Council shall determine which person will be entered on the Roll as a Owner in each case.
8.
 - (a) amount of the Rate shall be paid by each Owner to the Band Manager.
 - (b) The Council by Resolution may require any, or all, of the Rate, or any installments 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 expedient for the non-payment of the Rate.
 - (c) Any percentage charge imposed under Subsection (b) of this Section shall be added to, and form part of, the total rate in arrears.
9.
 - (a) All Rate monies collected shall be deposited by the Band 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.
10.
 - (a) The Council may, with respect to any 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.

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

Approved and passed at a duly convened meeting of Council

this _____ day of _____, 1974

Chief Councillor

Councillor

FORM "A"

Notice of Assessment

Community Services Rate

To:

Category: (name)

Take notice that for the year you are assessed the sum of Dollars for repair and maintenance of community facilities, and for the provision of Community services, and you are required to pay the same to the undersigned on or before the day of , 19 . Payment may be made monthly, quarterly, or annually.

Dated this day of , 19 .

Band Manager
For Bella Bella Band Council

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Schedule "A"

Community Services Rate, 1974

The Rate paid by any owner shall be as follows:

<u>Category</u>	<u>Total Annual Rate</u>	<u>Monthly</u>	<u>Quarterly</u>
Home Owner	\$96.00	\$8.00	\$24.00
Commercial- Institutional Owner (Type I)	120.00	10.00	30.00
Commercial- Institutional Owner (Type II)	300.00	25.00	75.00