

## CAMPBELL RIVER INDIAN BAND

### BY-LAW NO. 1996-4

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#### **A BY-LAW FOR INSTALLING SANITARY SEWER CONNECTIONS AND FOR COMPELLING OWNERS WITHIN CERTAIN PORTIONS OF CAMPBELL RIVER INDIAN RESERVE NO. 11 ZONED FOR COMMERCIAL PURPOSES TO CONNECT THEIR BUILDINGS AND STRUCTURES TO SUCH CONNECTIONS.**

#### **WHEREAS:**

A. The Council ("Band Council") of the Campbell River Indian Band ("Band") has by virtue of Section 81.(1)(p) of the *Indian Act* the power to make by-laws for the regulation of the construction and maintenance of local works.

B. The Band Council wishes to develop a shopping centre, residential condominiums, office facilities and other commercial developments on the following lands within Campbell River Indian Reserve No. 11:

Lot 132  
Campbell River Indian Reserve No. 11  
Sayward District  
CLSR Plan 77828

Lot 134  
Campbell River Indian Reserve No. 11  
Sayward District  
CLSR Plan 77343

Lot 136  
Campbell River Indian Reserve No. 11  
Sayward District  
CLSR Plan 78317

("Reserve Commercial Lands") and on adjacent non-reserve lands, the registered owner of which is Discovery Harbour Holdings Ltd., a corporation whose shares are owned entirely by members of the Band.

C. It is deemed desirable and expedient that sanitary sewer connections be laid from the Sanitary Sewer System mains to parcels of land upon which building or structures are situated.

D. It is deemed desirable and expedient that Owners shall be compelled to connect their buildings and structures to such sanitary sewer connections, and shall pay the charges hereinafter set out for such sanitary sewer connections.

E. The Band Council wishes to ensure, to the extent possible, that municipal services will be available within the Reserve Commercial Lands to the level and standard that such services are available within non-reserve lands adjacent to the Reserve Commercial Lands.

**NOW THEREFORE**, the Band Council enacts as follows:

1. This By-law may be cited for all purposes as the "**Sanitary Sewer Connections By-Law No. 1996-4**".

2. In this By-Law, unless the context otherwise required:

**"Band"** means the Campbell River Indian Band.

**"Band Council"** means the Council of the Band.

**"buildings or structures"** means and includes any buildings or structures used wholly or in part for human habitation, or in which human beings are employed in respect of any trade, business or calling.

**"Building Inspector"** means the Building Inspector of the District of Campbell River, or his duly authorized representative.

**"District"** means the District of Campbell River.

**"Engineer"** means the Municipal Engineer of the District of Campbell River.

**"Owner"** means the owner of or holder of a leasehold interest in the Reserve Commercial Lands, or portion thereof.

**"Person"** means a corporation, partnership, or party, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

**"Reserve Commercial Lands"** means lands within Campbell River under Reserve No. 11 described as follows:  
Lot 132, 134 and 138  
Campbell River Indian Reserve No. 11  
Sayward District  
CSLR Plan 77828, and

Lot 136  
Campbell River Indian Reserve No. 11  
Sayward District  
CSLR Plan 78317

3. Sanitary sewer connections shall be installed from the sanitary sewer mains to real properties within the Reserve Commercial Lands upon which buildings or structures are situated when the sanitary sewer mains to service the said real properties are being constructed or at some other time if so directed by resolution of Band Council.
4. There is hereby imposed upon the Owners to which sanitary sewer connections are laid, the following charge of each connection (hereinafter referred to as the "connection charge"):
  - (a) for a 100 millimeter (4 inch) diameter pipe connection, the charge shall be \$800;
  - (b) connections larger than 100 millimeters shall be charged on a cost plus administration fee basis with a minimum charge of \$800.
5. The connection charge, or a deposit in the amount of 125 percent of the estimated cost of a connection larger than 100 millimeters, shall be paid at the time application is made for a sanitary sewer connection permit or 365 calendar days after the date upon which the sanitary sewer connection becomes available to the property, whichever comes first.
6. Every Owner which has a building or structure situated thereon shall connect each such building or structure on his property shall, unless a sanitary sewer connection has already been laid, make application to the office of the Engineer for a sanitary sewer connection prior to receiving a building permit and shall pay in advance the appropriate connection charge as set out in Sections 4 and 5 of this By-Law, no later than 365 calendar days after the date upon which sanitary sewer service becomes available to the said real property. In the event of such Owner failing to make the necessary connection by the prescribed date, the Band Council may have the work done at the expense of such Owner and such expense shall be a charge against such Owner's interest in the Reserve Commercial Lands.
7. Every Owner which is served by a sanitary sewer main and who erects a building or structure on his property shall, unless a sanitary sewer connection has already been laid, make application to the office of the Engineer for a sanitary sewer connection prior to receiving a building permit and shall pay in advance the appropriate connection charge as set out in Sections 4 and 5 of this By-Law. The Owner shall connect such building or structure to the sanitary sewer connection. In the event of such Owner failing to make the necessary connection, the Band Council may have the work done at the expense of such Owner and such expense shall be a charged against the interest of the Owner in the Reserve Commercial Lands.

8. An Owner which is to be served by a sanitary sewer main and upon which no building or structure is situated, may make application to the office of the office of the Engineer for a sanitary sewer connection to be laid to the said property at the time of constructing the sewer main, and upon payment in advance of the appropriate connection charge, as set out in Sections 4 and 5 of this By-Law, shall be entitled to receive such sanitary sewer connection.
9. Where more than one building or structure is erected on any lot or parcel of land, or where the building or structure is other than a single family dwelling, the Building Inspector shall prescribe the size and number of sanitary sewer connections required to adequately serve such buildings or structures.
10. All connections to the sanitary sewer shall be made in accordance with the regulations contained in the Province of British Columbia Plumbing Code.
11. No Person or Persons shall connect to the sanitary sewer, any storm drain for the purpose of disposing of storm sewer water, surface water from a roof, footings, yards or street, nor shall any substance or matter other than human waste be admitted to the sanitary sewer system.
12. Any Person or Persons found guilty of an infraction of Section 11 of this By-Law shall be given written notice to disconnect any or all illegal connections to the sanitary sewer within 30 days, otherwise the Band Council will disconnect the connections at the cost of the Owner of the property, and such cost, when occurred, shall become a charge against the interest of the Owner in the Reserve Commercial Lands.
13. Except as otherwise provided in this By-Law, any Person who violates any provision of this By-Law or who suffers or permits any act or thing to be done in contravention of the By-Law, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-Law shall be liable on summary conviction to a fine not exceeding \$1,000 and not less than the amount set out with respect to each section in Schedule A attached to and forming part of this By-Law. For each day that a violation is permitted to exist, it shall constitute a separate default.
14. The Band Council shall have the right and be authorized to appoint the District and any person appointed or engaged by the District, including the Building Inspector and Municipal Engineer, to administer this By-Law and to carry out all the functions of the Band Council under this By-Law including, without limitation, the power to issue permits, authorizations, notices or certificates which the Band Council is empowered to issue under this By-Law and the power to enforce this By-Law. Permits, authorizations, notices and certificates issued by the District or any person appointed or engaged by the District in accordance with this By-law and the Band Council's appointment of the District or such person shall be considered to have the same force and effect as if issued by the Band Council.
15. This By-Law may be amended by Band Council Resolution.

16. This By-Law is hereby enacted by the Band Council at a duly convened meeting of the Band Council this 6 day of September, 1996.

Voting in favor of the By-Law are the following members of the Band Council:

<u>J. Henderson</u>	<u>Robert Lallier</u>
<u>Gerald Roberts</u>	_____
<u>Doug Dudgeon</u>	_____

being the majority of those members of the Band Council present at the aforesaid meeting of the Council.

I, JOHN PATRICK HENDERSON, Chief of the Campbell River Indian Band, do hereby certify that a true copy of the foregoing By-Law was forwarded to the Minister of Indian and Northern Affairs pursuant to subsection 82.(1) of the *Indian Act*, the 6 day of September, 1996.

J. Henderson  
John Patrick Henderson

**SCHEDULE A**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
• Failure to connect	3 & 6	\$100.00
• Connection contrary to regulations	10	\$100.00