

April 23, 1975

MAY-275 2216

SOR/75-313

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The Whycocomagh Indian Band

By-law 10-75

Being a by-law to provide for the construction and maintenance of a waterworks system and appurtenances thereto and for the payment of water rates to regulate the use of water supplies. (amends By-law enacted August 17, 1969)

WHEREAS paragraphs (f), (l), (q) and (r) of Section 81 of the Indian Act empower the Council of an Indian Band to make by-laws respecting the construction and maintenance of waterworks systems, and the imposition of a fine for violation of any by-law made under that section;

AND WHEREAS the Council of the Whycocomagh Indian Band did enact a by-law on August 17th, 1969 respecting the construction and maintenance of a waterworks system and appurtenances thereto and for the payment of water rates to regulate the use of water supplies;

AND WHEREAS the said Council deems it to be expedient and in the best interest of the residents of the Whycocomagh Indian Band to amend the said by-law;

AND WHEREAS it is deemed to be expedient for the welfare of the inhabitants of the Whycocomagh Reserve to implement a by-law respecting the construction and maintenance of waterworks systems;

NOW THEREFORE the council of the Whycocomagh Indian Band enacts as a by-law thereof the following:

1. Section 13 (1) of by-law enacted August 17th, 1969 be and the same is hereby amended by changing said section to Section 13 (1) A and insert the following: "The Water Commissioner may dig or cause to be dug, any waterworks system on the premises of any owner connected to the waterworks system".

So the said section shall read

"13 (1) A - The water commissioner may enter the premises of any owner connected to the waterworks system for the purpose of inspecting the pipes, fittings, taps and plumbing fixtures. The water commissioner may dig or cause to be dug, any waterworks system on the premises of any owner connected to the waterworks system."

And add Section 13 (1) B to read

"13 (1) B - No one other than the water commissioner, or persons with the written approval of the water commissioner shall dig or cause to be dug, or build any structures on any area within ten feet of the waterworks system.

No one shall break, cut, pierce or otherwise damage the waterworks system."

2. Section 14 (3) insert the word "last" in the seventh line thereof and insert the word "March" in the eighth line thereof, so that the said section shall read

"Where a service connection is laid and constructed pursuant to an application made pursuant to section 3 and 4 hereof and the premises of the owner is equipped to receive and control water from the water supply system the owner shall pay to the Council prior to the turning on of the water by the water commissioner a proportion of the water rate based on the number of days remaining to the last day of March immediately following."

3. Insert a new section to be Section 23 of By-law enacted August 17th, 1969 to read

"Any person who violates any of the provisions of this by-law shall be guilty of an offense and shall be liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not to exceed thirty days, or both fine and imprisonment."

Approved and passed at a duly convened meeting of the Council of the Whycocomagh Indian Band this 28th day of April, 1975.

Wayne Googoo
(Chief)

Ryan J. Googoo
(Councillor)

Annie Googoo
(Councillor)

Ben Sylliboy
(Councillor)