

SQUAMISH NATION SENAKW CONSTRUCTION HOURS BY-LAW 2022

This By-law was published and came into force on _____.

SQUAMISH NATION SENAKW CONSTRUCTION HOURS BY-LAW 2022

WHEREAS the Band Council of the Squamish Indian Band deems it to be in the best interests of the Squamish Nation to enact a by-law governing the permitted hours for construction on Kitsilano Indian Reserve No. 6.

NOW THEREFORE the Band Council of the Squamish Indian Band at a duly convened meeting of the Band Council assembled on the 30th day of June, 2022, hereby enacts, pursuant to section 81(1) of the *Indian Act*, R.S.C. 1985, Chapter I-5, as a By-law the following:

Title

1. This By-law may be cited as the “SQUAMISH NATION SENAKW CONSTRUCTION HOURS BY-LAW 2022“

Definitions

2. Unless the context requires otherwise, the following definitions apply in this By-law:
 - (a) “**Chief Licence Inspector**” means the person appointed to hold the office referenced in section 269 of the Vancouver Charter, as amended from time to time;
 - (b) “**construction**” includes the erection, alteration, repair, relocation, dismantling, demolition and removal of a building, structural maintenance, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground level), street building, concreting and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose, and includes any work being done in connection therewith
 - (c) “**Owner**” means any person that is in lawful possession of land or improvements on the Reserve;
 - (d) “**Reserve**” means Kitsilano Indian Reserve No. 6; and
 - (e) “**Squamish Nation**” means the Squamish Indian Band, a band as defined in the *Indian Act* R.S.C. 1985, Chapter I-5;
 - (f) “**Ticket Offences By-law**” means City of Vancouver Ticket Offences By-law No. 9360, as amended or replaced from time to time.

Scope of By-law

3. This By-law applies to the Reserve.

Permitted Construction Times

4. No person shall cause, permit or allow construction noise that disturbs the quiet, peace, rest or enjoyment of the public, except:

- (a) between the hours of 7:30 o'clock in the morning (0730 hours) to 8 o'clock in the evening (2000 hours) on any week day that is not a holiday, and between 10 o'clock in the morning (1000 hours) to 8 o'clock in the evening (2000 hours) on any Saturday that is not a holiday; and
- (b) for construction on a street between the hours of 7 o'clock in the morning (0700 hours) to 8 o'clock in the evening (2000 hours) on any week day or Saturday, and between 10 o'clock in the morning (1000 hours) to 8 o'clock in the evening (2000 hours) on any Sunday or holiday.

Exception

- 5. (1) In any case where it is impossible or impractical to comply with section 4, an application that complies with the requirements of Schedule "A" may be made to the Chief Licence Inspector for an exception.
- (2) The Chief License Inspector may
 - (a) give consent in writing to carry on any such works outside the prescribed limits and upon such terms as the Chief Licence Inspector determines except that an exception must not be granted for a period longer than 180 days;
 - (b) waive a time limit prescribed in Schedule "A" if, because of an emergency or other unforeseen circumstance, an application for an exception cannot be submitted within that time limit; and
 - (c) suspend an exception issued under this section at any time.

Sign

- 6. (1) The Owner of a parcel of land upon which construction, which exceeds a building permit value of \$500,000.00 is taking place shall post a sign on in a prominent location on that parcel of land that is clearly visible from at least one adjacent street and shall maintain the sign during the course of construction.
- (2) The sign shall:
 - (a) be rectangular in shape;
 - (b) be at least 42.5 cm high and 27.5 cm wide
 - (c) contain script that is at least 1.25 cm high, and is in a colour that contrasts with the background of the sign; and
 - (d) set out those sections of this By-law that apply to construction, the name of the general contractor for the construction on the parcel of land, the name and telephone number of an individual representative of that general contractor that persons may contact during all on-site working hours, and the City of Vancouver City Noise Complaint telephone number.

Fees

- 7. The fees set out in Schedule "A" are payable by the applicant to the City of Vancouver.

Schedules

8. The Schedule attached to this By-law forms part of this By-law.

Severability

9. If any provision of this By-law is found invalid, that provision is severable.

Offence and Penalties

10. Every person who offends against or violates any of the provisions of this By-law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this By-law is guilty of an offence punishable on summary conviction and unless the violation is enforced pursuant to section 12

(a) if that person has attorned in writing to the City of Vancouver's jurisdiction, including as a party to a lease, sublease, rental agreement or other agreement:

(i) is liable to a fine of not less than \$500.00 or more than \$10,000.00 for each offence; and

(ii) if the contravention is of a continuous nature is liable to a fine of not less than \$500.00 or more than \$10,000.00 for each day that offence continues;

(b) if paragraph (a) does not apply:

(i) is liable to a fine of not more than \$1,000.00 for each offence; and

(ii) if the contravention is of a continuing nature is liable to a fine of not more than \$1,000.00 for each day that offence continues.

Enforcement

11. The following may be conducted by and at the discretion of the City of Vancouver, without the requirement for the participation or involvement of the Squamish Indian Band, in accordance with the laws of British Columbia:

(a) the prosecution of an offence, or any other proceedings, in relation to the contravention of this By-law; and

(b) any notice or other procedures required in relation to an action to be taken under this By-law.

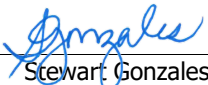



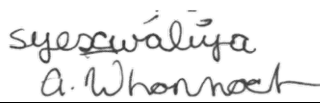
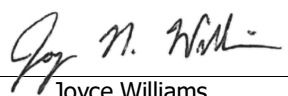
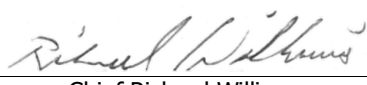
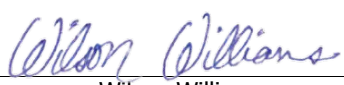
12. If a person that has contravened section 4 of this By-law has attorned in writing to the City of Vancouver's jurisdiction, including as a party to a lease, sublease, rental agreement or other agreement, the City of Vancouver may lay an information by means of a ticket in accordance with the provisions of the Ticket Offences By-law and the fine for that contravention is the amount set out in the Ticket Offences By-law.

SCHEDULE "A"

The application noted in section 5 shall be in writing and submitted to the City of Vancouver Director of Licences and Inspections at least five working days prior to the date of the proposed activity, and shall contain:

- (a) the name, address and telephone number of the applicant;
- (b) the address of the construction site;
- (c) the building permit number, if applicable;
- (d) the reason(s) the exception is sought;
- (e) a description of the source(s) of noise in respect of which the exception is sought;
- (f) the exact period of time for which the exception is desired;
- (g) the reason(s) why the exception should be given;
- (h) a statement of the measures planned or presently being taken to minimize the sound of noise; and
- (i) a non-refundable application fee equal to the amount payable under the City of Vancouver Noise Control By-law 6555, as amended or replaced from time,
 - (i) for an application submitted at least five working days prior to the date of the proposed activity, or
 - (ii) for an application submitted less than five working days prior to the date of the proposed activity

APPROVED AND PASSED at a duly convened meeting of the Band Council of the Squamish Band of Indians this 30th day of June, 2022

A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF 4 COUNCILLORS	SQUAMISH NATION COUNCIL		320 SEYMOUR BLVD	
	MEETING HELD AT:		NORTH VANCOUVER, B. C.	
			DATED: June 30, 2022	
	MOVED BY:	Ann Whonnock	SECONDED BY	Stewart Gonzales
 _____ Stewart Gonzales Sempúlyan				
 _____ Shayla Jacobs Sumkwaht				
 _____ Dustin Rivers Sxwchálten iy Xelsílem				
 _____ Kristen Rivers Tiyáltelut				
 _____ Ann Whonnock Syexwáliya				
 _____ Joyce Williams				
 _____ Chief Richard Williams Xwélxwelacha Siyam				
 _____ Wilson Williams Sxwíxwtn				