

**SQUAMISH NATION SENAKW SEWER AND WATERCOURSE BY-LAW  
2022**

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

## SQUAMISH NATION SENAKW SEWER AND WATERCOURSE 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 dealing with the delivery and provision of sewerage related services to 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 30<sup>th</sup> day of June, 2022, hereby enacts, pursuant to sections 81(1) (f), 81(1) (q) and 81(1)(r) of the *Indian Act*, R.S.C. 1985, Chapter I-5, as a By-law the following:

### **Interpretation**

#### *Definitions*

1. The following definitions apply in this By-law:
  - (a) “**Canada**” means Her Majesty in right of Canada;
  - (b) “**incorporated by-law**” means City of Vancouver Sewer and Watercourse By-law No. 8093, as amended or replaced from time to time, as adapted by sections 10 to 15;
  - (c) “**lands**” means Kitsilano Indian Reserve No. 6;
  - (d) “**Services Agreement**” means Senakw Services Agreement dated as of May 25, 2022 between the Squamish Nation and the City of Vancouver.

#### *Provincial Interpretation Act*

2. The incorporated by-law is to be interpreted in accordance with the British Columbia *Interpretation Act*, R.S.B.C. 1996, c. 238, as amended from time to time, and, for that purpose, references to “enactment” in that Act are to be read to include the incorporated by-law.

#### *Other expressions*

3. For greater certainty, the adaptations in sections 10 to 15 are to be interpreted to be part of the incorporated by-law.

### **Application of By-law**

#### *Incorporation by reference*

4. When this By-law comes into force, the incorporated by-law applies to the lands, or any portion of the lands, and shall not alter, limit or supersede the rights of the City of Vancouver or the Squamish Indian Band under the Services Agreement.

#### *Restriction – By-laws in force*

5. A provision of this By-law only applies if the provision of the incorporated by-law that this By-law incorporates is in force.

### ***Offences and Penalties***

6. Any contravention of this By-law may be subject to the penalties set out in section 17.

### ***Incorporation of procedural matters***

7. Subject to any adaptations set out in sections 10 to 15, the following are to 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, whether or not those laws are incorporated under this By-law:
  - (a) the prosecution of an offence, or any other proceedings, in relation to a 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.

### ***Specified persons and officials***

8. A person who has a power, duty or function under the incorporated by-law has the same power, duty or function under this By-law, subject to the adaptations set out in sections 10 to 15.

### ***Interpretation of incorporated law***

9. Unless otherwise provided by this By-law, a person appointed to a position under the incorporated by-law is deemed to have been appointed to that position for the purposes of this By-law for so long as that person remains in that position under the incorporated by-law.

## **Adaptations to Incorporated By-law**

### ***Exclusion***

10.
  - (1) A provision of the incorporated by-law that imposes an obligation, liability or penalty on an owner, occupier or an unspecified person or entity does not include Canada.
  - (2) Subject to section 13, a provision of the incorporated by-law that imposes an obligation, liability or penalty on an owner, occupier or an unspecified person or entity does not include Squamish Indian Band, other than in respect of obligations, liabilities or penalties arising from or imposed on an occupier as a result of Squamish Indian Band being in possession of a portion of the lands under a license or lease.

### ***References to a “person”***

11. A reference to a person in the definition of “occupier” in the incorporated by-law is to be read to include Squamish Indian Band.

### ***Owner***

12. An owner under the incorporated by-law includes

- (a) any tenant under a lease of any portion of the lands from Canada or Squamish Indian Band,
- (b) a subtenant under any sublease from that tenant,
- (c) a renter under a rental agreement from a tenant or subtenant, and
- (d) a registered tenant of land under a strata lot lease.

### ***Fees and Charges***

13. Any fees, charges, costs, or other amounts payable under the incorporated by-law by an owner or occupier, other than penalties or fines, are required to be paid by Squamish Indian Band in accordance with the *Services Agreement*.

### ***Other Obligations***

14. Any obligations of an owner or occupier under the incorporated by-law, other than the obligation to make the payments set out in section 13, are obligations of the owner or occupier of the lands.

### ***Taxes***

15. The City of Vancouver will not enter any amount payable by an owner or occupier under the incorporated by-law on its tax roll or levy or collect any taxes in respect of that amount.

### ***Severability***

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

## **By-law Enforcement**

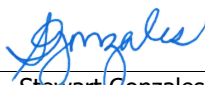
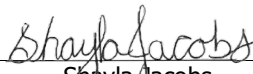

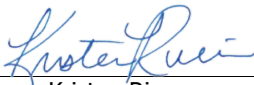
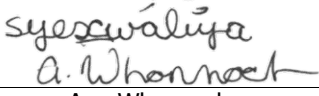



### **Penalties**

17. 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
- (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 more than \$10,000.00 for each offence; and
    - (ii) if the contraventions is of a continuing nature is liable to a fine of not 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 contraventions is of a continuing nature is liable to a fine of not more than \$1,000.00 for each day that offence continues.

**Title**

18. This By-law may be cited for all purposes as Squamish Nation Senakw Sewer and Watercourse By-law 2022.

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

<p><b>A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF 4 COUNCILLORS</b></p>	<b>SQUAMISH NATION COUNCIL</b>		320 SEYMOUR BLVD	
	<b>MEETING HELD AT:</b>		NORTH VANCOUVER, B. C.	
	<b>DATED:</b>		June 30, 2022	
<b>MOVED BY:</b>	Ann Whonnock	<b>SECONDED BY</b>	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