

SQUAMISH INDIAN BAND
ZONING BY-LAW NO. 6, 1972
AMENDMENT BY-LAW NO. 11, 1979

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SOR/79-473
June 13, 1979

WHEREAS it is deemed advisable and expedient to amend the "Squamish Indian Band Zoning By-law No. 6, 1972", as amended by "Amendment By-law No. 7, 1972" and "Amendment By-law No. 8, 1972";

NOW THEREFORE the Squamish Indian Band Council in meeting assembled on the 27th day of April, 1979, hereby enacts as follows:

1. Squamish Indian Band Zoning By-law No. 6, 1972 is hereby amended pursuant to subsections (g), (h) and (q) of S.81 of the Indian Act, R.S.C., 1970, Chap. I-6 by adding thereto Section 10 as follows:

"10. The use, development and control of those certain lands and premises containing 55 acres more or less and lying within and being part of the Capilano Indian Reserve No. 5 in the Province of British Columbia as shown outlined in red on plan and field notes of survey of leasehold in portion of Capilano Indian Reserve No. 5, New Westminster, British Columbia prepared by Lothor I. Schwendtmayer, B.C.L.S. dated June 21, 1974 and annexed hereto as Schedule "A" is hereby vested in the Minister of Indian Affairs to such extent as is necessary to implement the use of the said lands and premises provided for in that lease made between Her Majesty the Queen and Public Works Canada Limited and dated the 11th day of April, 1974, for the period commencing the date of this by-law and terminating on the 10th day of April, 2045."

2. Squamish Indian Band Zoning By-law No. 6, 1972 is hereby amended pursuant to subsections (g), (h), (q) and (r) of Section 81 of the Indian Act, R.S.C., 1970, Chap. I-6 by adding thereto section 11 as follows:

"11. An Amending By-law to Provide for the Zoning of a Portion of Mission Indian Reserve No. 1 for Marina Use and the Regulation of the Construction and Use of Buildings Within that Portion of Mission Indian Reserve No. 1.

PART 1 - TITLE

Short Title

This Amending By-law may be cited as the Marina By-law 1979.

PART 2 - INTERPRETATION

In this by-law unless the context otherwise requires:

'building' means any structure used or intended to be used for the shelter, accomodation, assembly or storage of persons, animals, goods or chattels, or used or intended to be used in connection with the provision of services to persons;

'breakwater' means any floating or fixed structure used or intended to be used to reduce or dampen waves or swells created by wind, tides, marine traffic or other causes;

'marina manager' means that person appointed by the Council of the Squamish Indian Band to manage any business carried on within the marina zone by the Squamish Indian Band;

'marian zone' means that area within which this by-law has application;

'structure' means anything that is built, constructed, or erected the use of which or presence thereof requires location on the ground or attachment to something having a location on the ground or, in the case of floating structures, requires anchoring to the ocean floor or attachment to a structure so anchored, and shall include all types of boat, ships, and similarly named vessels;

'use' means the purpose or function to which land, buildings, or structures are put;

'vessel' means all types of boat, ships, and similarly named objects and structures used or intended for the shelter of vessels, but specifically excludes houseboats, barges, aircraft and aircraft shelters;

'wharf' means any floating or fixed structure used or intended to be used for the moorage of vessels.

PART 3 - APPLICATION

The Provisions of this by-law shall apply to that portion of Mission Indian Reserve No. 1 shown outlined in red on Plan No. 2-N-1-395A dated October 5, 1964 of record with the National Harbours Board and with the Indian Affairs Branch of the Department of Indian Affairs and Northern Development, which area is defined approximately as shown in red on the plan annexed to this by-law as Schedule "A". In the event of any inconsistency between the area defined on Plan No. 2-N-1-395-A and the plan attached as Schedule "A" the former shall be deemed to accurately define the area of application of this by-law.

PART 4 - NON-CONFORMING USE

1. A use that was non-conforming or unlawful under By-law No. 6, 1972, as amended, shall continue to be non-conforming or unlawful, unless it complies in every respect with the provisions of this by-law.
2. No building or structure shall be placed, constructed, reconstructed, altered, moved or extended so as to render such building or structure or any other building or structure non-conforming.

PART 5 - PERMITTED USES OF LAND,
BUILDINGS AND STRUCTURES

1. The use of land including the surface of water, of buildings, and of structures, shall be in accordance with the permitted uses specified in this by-law.
2. The following uses shall be permitted in the marina zone:
 - a. Moorage of vessels to wharves;
 - b. Dry storage of vessels;
 - c. Operation of the following marine-related business:
 - i. boat brokerages;
 - ii. boat repair facilities;
 - iii. retail sale of light equipment and materials for the repair and maintenance of boats;
 - d. Operation of restaurants;
 - e. Parking of motor vehicles;
 - f. Placing of breakwaters.
3. The following uses are prohibited in the marina zone:
 - a. Any use not expressly permitted by this by-law;
 - b. Without restricting the generality of paragraph 3 (a):
 - i. the mooring of vessels or structures to the breakwater or any structures other than wharves;
 - ii. the placing or mooring of houseboats, barges, aircraft and aircraft shelters.

PART 6 - REGULATION OF THE USE OF BUILDINGS

Any change of the use of buildings in the marina zone from the use of such buildings as of the 27th day of April, 1979 is prohibited. This part shall not be construed in such a way as to render lawful a use that fails to conform with the provisions of this by-law.

PART 7 - CONSTRUCTION OF BUILDINGS

1. Except as provided in Part 8, the placing, construction or reconstruction of buildings or structures within the marina zone is prohibited.
2. Except as provided in Part 8, the moving or alteration of existing buildings or structures within the marina zone is prohibited.

PART 8 - MARINA MANAGER

The movement of vessels and the movement, placing, construction and reconstruction of wharves under the direction of the marina manager shall be deemed not to constitute a breach of this by-law.

PART 9 - AMENDMENT

The lawful holder of an interest in land within the marina zone may make application for the amendment of this by-law in the manner provided in the Squamish Indian Band Council By-law No. 6, 1972, as amended by By-law No. 7, 1972.

PART 10 - PENALTY

Every person who violates or causes or allows to be violated any provisions of this Marina By-law is guilty of an offence and shall be subject to the proceedings and penalties provided for in paragraph 7 of Squamish Indian Band Council By-law No. 6, as amended by Squamish Indian Band Council By-law No. 7.

Considered and passed by the Squamish Indian

Band Council on the 4th day of May, 1979.

<u>Chief Joe Mathias</u> Chief	<u>Chief Norman Joseph</u> Chief	<u>Chief Philip Joe</u> Chief
<u>Councillor</u>	<u>Chief David Williams</u> Councillor	<u>Glen Newman</u> Councillor
<u>Ross George</u> Councillor	<u>George Jacobs</u> Councillor	<u>Lois Guss</u> Councillor
<u>Sam Baker</u> Councillor	<u>Councillor</u>	<u>David Jacobs</u> Councillor
<u>R. Williams</u> Councillor	<u>Chief G. Baker</u> Councillor	<u>Anthony Moody</u> Councillor

MISSION INDIAN RESERVE

BOARD
RESERVE No 1.

THIRD L ST.

NORTH

EAST BOY INDIAN RESERVE

FORBES AVE

PACIFIC GREAT EASTERN RAILWAY

HORNE BROS

HORNE BROS
SAW MILL

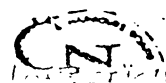
BURNER

JOSEPH CHEW
SHINGLE CO LTD

HARBOUR MAINE SERVICE

NATIONAL HARBOURS BOARD

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