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Skwah Indian Band

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SKWAH INDIAN BAND COUNCIL

P.O. Box 178
Chilliwack, B.C. V2P 6H7

BY-LAW NO. 2 1990

A By-law to designate the Reserves of the Skwah Indian Band or portions thereof as Special Development Zones and to prohibit the construction or maintenance of any buildings, or any use of land, or the carrying on of any business, profession, trade or vocation within such Special Development Zones except to the extent that such construction or maintenance of any class of buildings or such use of land or the carrying on of any such class of business, profession, trade or vocation conforms to the requirements of this By-law and amendments thereto.

The Skwah Indian Band Council in a meeting assembled on the 13th day of NOVEMBER, 1990, and pursuant to subsections (g) (h) and ((q) of Section 81 of the *Indian Act*, R.S.C. 1985, I-6, hereby enacts as follows:

1. In this bylaw:

"Agricultural use" means a use providing for the growing, rearing, and harvesting of agricultural products; includes the preliminary grading on an individual farm of the primary agricultural products harvested, reared or produced on that farm and the storage of farm machinery, implements and agricultural supplies, and repairs to farm machinery and implements used on that farm; and specifically includes, without limiting the generality of the foregoing, kennels, aquaculture and fish farming and the keeping of horses, cattle, swine, fowl, pigeons, doves, bees, fur-bearing animals or other livestock; excludes all manufacturing, process, storage and repairs not specifically included in this definition;

"Residential Use" means a use of land and buildings for the accommodation of a person or persons and activities customarily associated with a residence, including duplexes and mobile homes, and the use of the land and buildings for businesses provided such use is

consistent with residential use; but excluding multi-family units larger than duplexes, condominiums and apartments;

"Band use" means providing for band functions and purposes, including without limiting the following: offices, daycare centres, schools and colleges, hospitals, community centres, arenas, swimming pools, fairgrounds, museums, parks, and playgrounds, but excludes residential and agricultural use, private schools or private daycare centres or private businesses.

2. The following Reserves of the Skwah Indian Band are designated into Special Development Zones:

Skwahla I.R. #2: one zone

Skwali I.R. #3: one zone

Skwah I.R. #4: ¹²⁴4 zones, as illustrated on the map attached as Appendix A to this Bylaw,

together with such Reserves, parts of Reserves and lands as are the property of the Skwah Indian Band together with such parcels of land as shall, pursuant to the *Indian Act*, hereinafter become Reserves of the Skwah Indian Band, either as additions to the aforementioned Reserves or as new Reserves.

3. (a) Within a Special Development Zone no building or structure shall be commenced, built, constructed, reconstructed, altered, moved, extended or maintained, unless there has been an application for and a granting of a permit confirming it is in conformity with the requirement of this By-law and amendments thereto.

(b) Within a Special Development Zone no land shall be used in any way unless it is in conformity with the requirements of this By-law and amendments thereto.

(c) Within a Special Development Zone no business, profession, development, trade or vocation shall be carried on unless it is in conformity with the requirements of this By-law and amendments thereto.

4. The following uses of the land or the lawful carrying on of any class of business, profession, trade or vocation in a Special Development Zone are hereby permitted by this Bylaw:

Skwah I.R. #2: Any use or development of this land must not in any way whatsoever disrupt the old graveyard which is located on this Reserve. Any use which disrupted the land, or the cultural and spiritual significance of this site would not conform with this Bylaw, and in particular any residential, commercial and agricultural use of this area is hereby specifically prohibited.

Skwali I.R. #3: Agricultural use and residential use for the families of Band members only.

Skwah I.R. #4: Agricultural, Residential, Recreational and Community Development use as illustrated on the map attached as Appendix A, including any business or other purposes which are consistent, aesthetically and otherwise, with the use of the land for such purposes.

5. Every applicant for a permit confirming conformity with this Bylaw or seeking an amendment to this By-law, for the development, construction, reconstruction, alteration or extension of a building or structure, and for the operation of a business, trade or calling and every person intending to commence, build, construct, reconstruct, alter or extend a building or structure or to operate a business, trade or calling shall submit an application in writing to the Skwah Indian Band Council which shall include the following information:

(a) A site plan or plans including a description of the area to be affected, showing the location of all existing and proposed buildings, streets, lanes, highways, driveways, parking and loading areas, sidewalks, street lighting, utilities and utility easements, streams and other topographical features of the site;

(b) Preliminary architectural or other suitable plans for any proposed building;

(c) Existing and proposed grades and their relations to the elevations on adjoining properties;

(d) The location, size, height, colour, lighting and orientation of any signs to be erected; and

(e) The location and treatment of open spaces, landscaping and fences.

6. Upon the application for a permit or amendment of this Bylaw, as set out in paragraph 4 herein, of the lawful holder of an interest in land in a Special Development Zone, the Skwah Indian Band Council may refuse such application or by permit, or amendment to this By-law, determine the terms and conditions under which the building, construction, reconstruction, alteration, moving, extension or maintenance of buildings and structures may be carried out and the use to which land may be put and the businesses, trades and callings which may be carried out, and in doing so, the Council, shall have due regard to the following considerations:

(a) The promotion of health, safety, convenience and welfare of the members of the Skwah Indian Band, residents and occupants and other persons who have a lawful interest in the Skwah Indian Reserves.

(b) The prevention of any overcrowding of the uses of the land and the preservation of the particular and peculiar amenities of any or all of the Special Development Zones.

(c) The securing of adequate light, air, water and reasonable access for the entire Special Development Zone.

(d) The economic, cultural and spiritual value of the land in the Special Development Zone and the nature of its present and prospective use and occupancy.

(e) The character of the Special Development Zone, the character of the buildings already erected, and the peculiar suitability of the Special Development Zone for particular uses.

(f) The conservation of property values.

(g) The use and development of the Special Development Zones in a manner which promotes the best interests of the members of the Skwah Band and greater efficiency and quality of the land.

(h) The development of the Special Development Zones for the general economic, cultural and spiritual welfare and advancement of the Skwah Indian Band.

7. Every person who violates any provision of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

8. This By-law may be cited for all purposes as the Skwah Indian Band Zoning By-Law No. 2, 1990.

Considered and passed by the Skwah Indian Band Council on the 13th day of NOVEMBER, A.D. 1990

Justin Adams
Chief

Lee Russell
Councillor

Beverly Williams
Councillor

William James
Councillor

SKWAH INDIAN BAND COUNCIL

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APPENDIX "A"

