

Nov. 1, 1965

The Council of the Halalt Band of Indians at a meeting held this 1st day of November, 1965 makes the following by-law pursuant to paragraphs (f), (l) and (r) of Section 80 and paragraphs (b) (f) and (g) of subsection (1) of Section 82 of the Indian Act.

BY-LAW NO. 1

A by-law to provide for the construction and maintenance and the raising and expenditure of money for the support of the Halalt #1 Indian Reserve waterworks system in the Province of British Columbia

1. In this by-law

- (a) "bailliff" means the person designated as such by the council for the purposes of this by-law;
- (b) "council" means the Council of the Halalt Band of Indians;
- (c) "owner" means a member of the Halalt Band of Indians who occupies any premises on the Halalt #1 Indian Reserve;
- (d) "permit" means a permit issued under section 2 of this by-law;
- (e) "premises" means a house, multiple dwelling house, business block or other building constructed or under construction;
- (f) "waterworks system" means the water mains, service pipes and fittings now laid and constructed and includes the water mains, service pipes and fittings which the council may lay and construct or cause to be laid and constructed to within three feet of any premises.

2. (a) Any owner who requires a supply of water from the waterworks system shall apply to the council in the form prescribed.

(b) The council shall, if it approves the application, issue to the owner a permit authorizing such owner to make, subject to the conditions contained therein, a connection to the waterworks system.

3. Where any owner has been issued a permit the council shall, upon being notified by the owner in the form prescribed to commence excavations, extend or cause to be extended at a depth of at least

4 feet below the surface of the ground the service pipes such

distance as is necessary to convey the water from the water mains to within three feet of the premises of such owner.

4. Where an owner is issued a permit and notifies the council to commence excavation, he shall

(a) Lay and construct or cause to be laid and constructed, at his expense, at a depth of at least 4 feet below the surface of the ground such pipes not exceeding 3/4" in diameter and fittings which, in the opinion of the bailiff, are necessary to convey water from the waterworks system into his premises, and

(b) Install such taps, pipes, fittings and fixtures in, under or about his premises which, in the opinion of the bailiff, are necessary to control the water.

5. No owner shall be entitled to have water conveyed to his premises from the waterworks system unless the bailiff has approved the installation and connection and such owner has paid to the council a service fee of \$ 2.00 for the turning on of the water.

6. (a) The water conveyed to the premises of any owner from the waterworks system shall be used by the owner of such premises for domestic purposes only unless the council otherwise consents in writing.

(b) No owner or person shall use the water conveyed from the waterworks system to the premises of such owner for other than domestic purposes unless the council has otherwise consented in writing.

7. Every owner shall, at his expense, repair and maintain and keep repaired and maintained all pipes, fittings, taps and fixtures that he has laid, constructed or installed or has caused to be laid connected or installed for the purpose of conveying water from the waterworks system into his premises.

8. (a) The bailiff may enter the premises of any owner connected to the waterworks system from time to time for the purpose of inspecting the pipes, fittings, taps and fixtures.

(b) If the bailiff is of the opinion that the pipes, fittings, taps and fixtures in the premises of any owner are defective or are in need of repair he shall serve upon the owner of such premises an order to remedy the defect.

9. (a) The order shall allow and fix a reasonable time within which the owner is to comply with the direction or directions contained therein.

(b) The bailiff shall be the final judge as to whether the direction or directions contained in the order have been complied with.

10. (a) If the owner fails to comply with the order within the time specified therein, the bailiff shall make a report to the council.

(b) The council may direct that the supply of water to the premises referred to in the order be turned off until such time as the owner thereof has complied with the direction or directions contained therein.

11. Where the owner complies with the direction or directions contained in the order the council shall, upon payment by the owner of a service fee of \$ 2.00 direct that the water be turned on to the premises of such owner.

12. (a) The council may for the purpose of repairing and maintaining the waterworks system or laying and constructing additions to or extending the waterworks system shut off the water supply to the premises of any owner for such period of time as it considers necessary.

(b) The Council or any member thereof shall not be liable for any damages that may result to any premises or to the owner of such premises from the turning off of water.

13. (a) Where any premises is connected to the waterworks system the owner of such premises shall pay to the council the rates and charges fixed and determined from time to time by the council, except that the said rates and charges shall not be less than \$ 2.00 per month per owner.

(b) The rates and charges shall be payable by the owner at the office of the bailiff on or before the fifteenth day of each month.

(c) ~~The council may allow a discount of _____ % to any owner who pays the water rates and charges in full on or before the due date.~~

J. N.
A. S.

14. Where new rates and charges are fixed and determined by the council the bailiff shall post a copy of such rates and charges in at least three conspicuous places on the Halalt #1 Indian Reserve.

15. (a) Where the owner of any premises neglects or refuses to pay, when due, the rates and charges for water services to his premises the council may turn off the water.

(b) Where the owner pays all rates and charges in arrears the council shall, upon payment by the owner of a service fee of \$ 2.00 direct that the water be turned on to the premises of such owner.

16. Every owner shall be liable for payment of all charges and rates for water services to his premises unless he gives notice in writing to the council that such services be discontinued.

17. (a) All service fees, charges and rates collected by the council pursuant to this by-law shall, when required, be expended by the council for the construction and maintenance of the waterworks system.

(b) Notwithstanding the provisions of subsection (a), the council may by resolution provide for the remuneration of the bailiff from service fees, charges and rates collected by the council pursuant to this by-law, such remuneration not to exceed in any one month 10% of the total of such service fees, charges and rates collected in the same month. J. N. A. S.

18. The council may prescribe such forms and notices as are required for the purposes of this by-law.

19. (1) No owner shall lay, construct or install or cause to be laid, constructed or installed any pipes, fittings, taps or fixtures for the purpose of conveying or controlling water from the waterworks system unless such pipes, fittings, taps or fixtures have been approved by the bailiff.

(2) No owner without

(a) a permit, or

(b) the authority of council

shall tap or make any connection with or interfere with the waterworks system.

19. (3) No owner or person shall interfere with or attempt to interfere with the bailiff when performing or attempting to perform his duties under this by-law.

20. Any owner or person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$ 25.00 ~~or imprisonment for a term not exceeding~~ days ~~or both fine and imprisonment.~~

J. N.
A. S.

Chief: *Jefferson Morris*

Councillors:

Arnold Sylvester
