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[Signature]
PURSUANT TO S. 86
INDIAN ACT.

THE BELLA COOLA BAND OF INDIANS
BY-LAW NO. 1987-1

RECEIVED - REÇU
JAN 30 1987
HOUSE OF COMMONS
Chambre des Communes

A by-law to provide for the raising of monies for, and the construction, maintenance and regulation of a waterworks system within the Reserves.

WHEREAS the Indian Act provides that the Council of a Band may make by-laws:

- A. Under Section 81, inter alia to provide for:
 - the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases (paragraph 81(a));
 - the construction and maintenance of watercourses, roads, bridges, ditches, fences and other local works (paragraph 81(f));
 - the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies, (paragraph 81(l));
 - other matters arising out of or ancillary to the exercising of powers under Section 81 (paragraph 81(g)); and
 - the imposition on summary conviction of a fine not exceeding One Hundred Dollars (\$100.00) or imprisonment for a term not exceeding thirty (30) days or both for violation of a by-law made under Section 81 (paragraph 81(r));

and

- B. Where the Governor in Council declares that a band has reached an advanced stage of development, subject to approval of the Minister, under Section 83, inter alia to provide for:
 - the raising of money from band members to support band projects (paragraph 83(1)(f)); and

other matters arising out of or ancillary to the exercise of the aforementioned powers (paragraph 83(1)(f));

AND WHEREAS the Governor in Council has so declared the Bella Coola Band of Indians to have reached an advanced stage of development.

NOW THEREFORE the Council of the Bella Coola Band of Indians in a duly convened meeting enacts as a by-law the following:

PART I - GENERAL PROVISIONS

SHORT TITLE

1. This by-law may be cited for all purposes as the Bella Coola Waterworks By-Law.

DIVISION OF PARTS

2. (1) This by-law as a matter of convenience and for reference only is divided into fourteen parts titled as follows:

PART I	- GENERAL PROVISIONS
PART II	- SERVICE CONNECTIONS
PART III	- BAND WORKS
PART IV	- WORKS ON PRIVATE LANDS
PART V	- USE OF HYDRANTS, STANDPIPES AND VALVES
PART VI	- CHARGES AND METERING
PART VII	- WATER USE REGULATIONS
PART VIII	- RIGHT OF ACCESS
PART IX	- LIABILITY OF THE BAND AND COUNCIL
PART X	- NO OBLIGATION TO SUPPLY WATER
PART XI	- SALE OF WATER OFF RESERVE
PART XII	- POLLUTION
PART XIII	- APPLICATION OF RATES AND FEES
PART XIV	- PENALTIES

- (2) The headings of parts and sections in this by-law have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this bylaw or of any of its parts.

DEFINITIONS

3. The following terms, whenever used in this by-law, or in any resolution of Council dealing with this by-law, shall have the meanings respectively ascribed to them in this section unless the context otherwise requires:

"Act" means the Indian Act (together with all regulations made pursuant to same) being Chapter 1-6 of the Revised Statutes of Canada, 1970, and any amendments thereto;

"Band" means the Bella Coola Band of Indians;

"Band Manager" means the Band Manager appointed from time to time by the Council, or his authorized representative;

"Connection Line" means any pipe or other device conveying Water from the Waterworks System to Lands;

"Council" means the Council of the Band;

"Fee Schedule" means that schedule of fees attached as Schedule "A" to this by-law and forming a part hereof;

"Lands" means:

- (a) any interest of a Person in lands located within Reserve and any right or rights of a Person in respect of the use of lands located within Reserve including without limiting the generality of the foregoing:
 - (i) unallotted lands in Reserve,
 - (ii) right to the use of lands in Reserve under Sub-section 18(2) of the Act,
 - (iii) lawful possession of lands in Reserve under Sub-section 20(1), or Section 22, of the Act,
 - (iv) lawful possession of land to which a location ticket relates, under Sub-section 20(3) of the Act,

- (v) occupation of land in respect of which a certificate of occupation has been issued under Sub-section 20(5) of the Act,
- (vi) right to possession of lands in Reserve under Section 24 of the Act,
- (vii) right to occupy or use or otherwise exercise rights in lands in Reserve under Section 28 of the Act,
- (viii) use of lands with the consent of the Governor in Council under Section 35 of the Act,
- (ix) right to use lands under a lease of lands surrendered for the purpose of leasing under the Act,
- (x) lawful possession or occupation of land by devise or descent under the Act,
- (xi) lawful possession or occupation of land pursuant to Sub-sections 50(2) and 50(4) of the Act, and
- (xii) right to use lands under a lease granted under Section 58 of the Act,

together with:

- (b) all Premises existing at said interest in lands at the date of the making of this by-law or thereafter made or erected;

"Maintenance Supervisor" means the Maintenance Supervisor appointed from time to time by the Council, or his authorized representative;

"Owner" means owner of Lands and in the event there is more than one such owner includes all Persons who are such owners;

"Person" includes:

- (a) any individual, proprietorship, company, partnership, association or society, and

(b) any municipality, regional district or improvement district incorporated or otherwise established pursuant to the laws of the Province of British Columbia;

"Premises" includes any structure at which Water is used located within Reserve and whether erected in, on, under or affixed to the land and whether directly or indirectly or by means of rafts, floats, docks or other floating structures or devices, and without restricting the generality of the foregoing, includes any single family dwelling, multiple family dwelling, boarding house, cabin, trailer, duplex, suite, apartment, store, bank, office, building, garage, motel, hotel, coffee shop, drive-in, laundromat, school, sawmill, cannery and packing plant;

"Reserve" includes all reserves of the Band;

"Water" means Water conveyed through the Waterworks System;

"Waterworks System" includes all storage facilities, water mains, service pipes, standpipes, fire hydrants, meters, pumps, electrical fittings, taps, valves and all other apparatus of any nature whatsoever maintained, used, or operated under authority of Council to deliver Water to any Lands, Premises, standpipe or fire hydrant located within Reserve;

4. ALL OWNERS LIABLE

Without limiting the generality of any provision of this by-law, if more than one person falls within the definition of "Owner" given in section 3, all such Persons are jointly and severally subject to all provisions of this by-law in which the term "Owner" is used.

PART II - SERVICE CONNECTIONS

5. No person shall construct, or carry out any maintenance on or improvements to a Connection Line (other than emergency maintenance) unless he is an Owner of the Lands Serviced, or to be serviced, by the Connection Line and has first obtained the written consent of Council.

6. A Connection Line shall:
 - (a) be constructed from pipes and fittings which have received Canadian Standards Association approval,
 - (b) be installed in conformity with good engineering and construction practice,
 - (c) not exceed 20 millimetres in internal diameter unless otherwise permitted by Council,
 - (d) not be less than one metre below the surface of the ground unless otherwise permitted by Council,
 - (e) not be laid at the same level as or deeper than any sewer line serving the same Lands as does the Connection Line.

7. Where a Person requires a quantity, pressure or type of Water Service in excess of that which can be supplied from the Waterworks System, Council may before providing such quantity, pressure or type of Water Service require such Person to pay for all or part of any works considered necessary to augment the capacity of the Waterworks System as required to meet the Water Service requirements of the Person and Council may, in its discretion, before agreeing to provide such Water service require such person to enter into a written agreement with the Band in respect of any special terms and conditions under which Water service will be supplied.

8. (1) The Owner of the Lands connected or to be connected to the Waterworks System shall connect or cause to be connected about his Lands such taps, pipes, fittings and fixtures to the Connection Line as are necessary to control the flow of Water within the Lands in conformity with good engineering practice.
 - (2) The Owner of Lands at which Water conveyed from the Waterworks System is used shall repair, maintain and keep repaired and maintained, all taps, pipes, fittings and fixtures that have been laid, constructed or installed for the purpose of conveying Water from the Waterworks System within his Lands.

9. No Connection Line shall be connected, or having been disconnected be reconnected, to the Waterworks System unless and until the Maintenance Supervisor has inspected the Connection Line and determined that, in his opinion, the Connection Line meets every requirement of this by-law.
10. Any connection, or having been disconnected re-connection, of a Connection Line to the Waterworks System shall be carried out under supervision of the Maintenance Supervisor or by such employees or agents of the Band as the Maintenance Supervisor shall determine, and shall be carried out as soon as reasonably possible after the inspection provided for in section 9.
11. If at any time Premises are removed from their site or are destroyed or damaged to the extent they can no longer be put to a legally permitted use, or a break or obstruction occurs in a Connection line servicing Lands, then the Owner of the Lands shall immediately before such removal, or upon such destruction, damage, break or obstruction, notify the Maintenance Supervisor of such so that he shall be able to shut off Water being supplied to such Lands, or Premises, as the case may be.
12. When the consent of Council is required under this part, such consent will be given when the Connection Line and related works are constructed in conformity with the provisions of this By-law and the supply of Water, water pressure, and the Waterworks System is adequate to service the needs of the Person applying.

PART III - BAND WORKS

13. Other than as is specifically otherwise permitted by this by-law no Person shall open, shut, adjust, draw Water from or tamper with any part of the Waterworks System.
14. No Person shall at any time in any manner obstruct access to any hydrant, standpipe, valve, stopcock or other fixture constituting part of or in any manner connected with the Waterworks System, and the Maintenance Supervisor may order the removal of any such obstruction and the expense of such removal shall be charged to and be paid by the

Person in breach of this section, which payment shall be in addition to any penalty that may be imposed under this by-law for breach of this section.

PART IV - WORKS ON PRIVATE LANDS

15. (1) No Person shall at any time in any manner make, or permit to be made, any additional connection to his Water system for the purpose of providing a building, or other structure, with Water from his Water System, except with the prior written consent of Council, the granting or withholding of which such consent is within the discretion of Council.
- (2) The consent of Council required by sub-section (1) will be given when the additional connection and related works are constructed in conformity with the provisions of this By-Law and the supply of Water, water pressure, and the Waterworks System is adequate to service the additional needs of the Person applying.
16. No Person receiving Water from the Waterworks System shall connect his Water system with an external source of water (such as a well) except with the prior written consent of Council, the granting or withholding of which such consent is within the discretion of Council.
17. No Person shall use, or permit the use, of a pump or other device that will increase the pressure in any pipe that forms part of or is connected to the Waterworks System, except with the prior written consent of Council, the granting or withholding of which such consent is within the discretion of Council.
18. No device to introduce a chemical or other substance into a pipe or other apparatus that forms part of or is connected to the Waterworks System shall be installed anywhere, except with the prior written consent of Council, the granting or withholding of which such consent is within the discretion of Council.

PART V - USE OF HYDRANTS, STANDPIPES AND VALVES

19. Other than as is specifically otherwise permitted in this by-law, no Person other than the Maintenance Supervisor, persons acting under the direction of the Maintenance Supervisor, a member of the Bella Coola Indian Band Volunteer Fire Department carrying out his appointed duties, a Person acting under the authority of the Fire Chief while assisting in suppression of a fire or a Person requiring emergency use of Water to suppress a fire, shall open or draw Water from any standpipe, hydrant or valve which is a part of the Waterworks System unless he has first obtained the written consent of Council.

PART IX - CHARGES AND METERING

20. The Owner of Lands to which Water is conveyed from the Waterworks System shall pay to the Band an annual fee as prescribed in the Fee Schedule.
21. (1) Where at any time in the opinion of Council the quantity of Water, or the rate at which it is being drawn from the Waterworks System by a Person is in excess of that contracted for, Council may direct the Maintenance Supervisor to take such measures as it deems necessary to limit the quantity, or rate of supply of water to the users thereof.
- (2) Without limiting the generality of sub-section (1), the measures referred to therein may include the installation of a meter, partially closing the controlling curb stop or standard waterworks valve, regulating the rate and time at which Water may be used, and establishing such special charges as Council from time to time in its discretion determines for Water used in excess of a stipulated quantity or rate.
22. (1) Notwithstanding anything to the contrary elsewhere contained in this by-law, Council may at any time substitute an unmetered service to any Premises with a metered service to each dwelling unit, and in such case each individual dwelling unit shall have a meter separate from every other dwelling unit, in a location approved by Council.

- (2) All meters installed at Premises pursuant to sub-section (1) shall be the property of the Band.
 - (3) After the date of installation of a meter under sub-section (1) the Owner of the Lands at which the Premises are situate shall pay in respect of each dwelling unit metered such fees as are prescribed under the heading "Monthly Metered Users Fee" in the Schedule "A".
23. If the Fee Schedule is at any time amended the amounts payable pursuant to this Part shall be altered in accordance with such amendment without notice to any Person, effective the date Council approves such amendment.

PART VII - WATER USE REGULATIONS

24. No Person shall:
- (a) sell or otherwise dispose of Water through a Connection Line, or
 - (b) permit Water supplied to him through a Connection Line to be taken away or applied for the benefit of any other Person or Lands,
- except with prior written consent of Council, the granting or withholding of which such consent is within the discretion of Council.
25. (1) Except as otherwise specifically permitted in this by-law, no Person shall use Water for watering stock, filling of swimming pools or reservoirs, or for any other purpose other than normal domestic use, except with prior written consent of Council, the granting or withholding of which such consent is within the discretion of Council.
- (2) Any consent granted by Council under sub-section (1) shall specify the purpose, time of use, quantity of Water permitted to be used, any charges for such use and any special works required to be installed by the user before commencing such use.
26. No person shall use Water as motive power for the purpose of operating machinery without the prior written consent of Council, the granting or with-

holding of which such consent is within the discretion of Council.

27. Council may terminate or withdraw any consent granted by it under sections 23, 24 or 25 at any time.
28. Council may at any time and from time to time introduce regulations restricting the use of Water for sprinkling or any other purpose and upon notice of such regulations being posted on the Band bulletin board at the Band Administration Offices, no Person shall use Water for the purposes forbidden, or in excess of the limits imposed by, such regulations.
29. Notwithstanding anything to the contrary elsewhere contained in this by-law, no Person shall:
 - (a) use Water for sprinkling in excess of reasonable requirements,
 - (b) use more than two outlets at one time for sprinkling purposes, neither of which said outlets shall exceed 20 millimetres in internal diameter,
 - (c) use an outlet exceeding 20 millimetres in internal diameter for sprinkling water
 - (d) use an open pipe or hose for sprinkling purposes, or
 - (e) irrigate more than .20 hectares of Land, inclusive of the area of Land occupied by Premises.

PART VIII - RIGHT OF ACCESS

30. (1) Council and employees and agents of the Band acting under the direction of Council or the Maintenance Supervisor shall have right of access to all Lands at all reasonable hours for the purpose of inspecting or testing any works, fittings or appliances related to the use of Water, or for the purpose of installing, removing, repairing, reading or inspecting Water meters.

- (2) No Person shall obstruct or prevent any member of the Council or any employee or agent of the Band from carrying out any of the provisions of this by-law.

PART IX - LIABILITY OF THE BAND AND COUNCIL

31. (1) The Maintenance Supervisor may for the purpose of repairing, maintaining, adding to or extending the Waterworks System, shut off the Water supply anywhere within Reserve for such a period of time as he considers necessary.
- (2) If it is anticipated that Water service is to be interrupted pursuant to sub-section (1) for more than four consecutive hours, notice shall be given to those Water users likely to be affected, PROVIDED that no notice of disruption in Water service shall be required in the event of any emergency or unanticipated conditions affecting the Waterworks System.
32. Neither the Band, the Council, any member of Council or any employee or agent of the Band shall be liable for any damages to any property or Person in any way relating to or arising out of:
- (a) interruption in the provision of Water,
 - (b) variation in or inadequacy of Water pressure, or
 - (c) inadequate quality of Water.
33. If at any time Council shall deem it to be in the interests of the Band it may direct any Water service be reduced or discontinued until it shall be considered by Council advisable to restore same.

PART X - NO OBLIGATION TO SUPPLY WATER

34. Nothing in this by-law shall obligate the Band or the Council to supply Water to any person when the cost of extending the Waterworks System to his lands would, in the opinion of the Council, create an excessive financial burden upon the Band, unless such Person shall be prepared to pay to the Council all costs of extending the Waterworks System to his

Lands and such extension to the Waterworks System will be of sufficient capacity to provide for further service to lands of Persons other than the Person requesting the supply of Water.

PART XI - SALE OF WATER OFF RESERVE

35. (1) The Council in its discretion may enter into agreements for the purpose of selling Water off-Reserve.
- (2) Such agreements as referred to in sub-section (1) shall be subject to the provisions contained in this by-law as they apply.
- (3) Without limiting the foregoing, the agreements referred to in sub-section (1) shall provide for the recovery of capital costs and operating expenses of the Band Waterworks System.
- (4) In the absence of any agreements as referred to in sub-section (1), the Band is under no obligation to sell or supply Water to any Person off-Reserve or to continue such Water service as may exist at the coming into force of this by-law.
- (5) The Council may, when Water is supplied from the Band Waterworks System to a Person off-Reserve through a connection located on-Reserve, levy an annual charge to such person for continued access to the Band Waterworks System.
- (6) The annual charge levied pursuant to sub-section (5) may provide for the recovery of capital costs and operating expenses of the Band Waterworks System, and may be levied notwithstanding that no agreement may have been made pursuant to sub-section (1).
- (7) All charges levied pursuant to agreements made under sub-section(1), or charge levied pursuant to sub-section (5), shall be paid within thirty (30) days of the receipt of an invoice for such charges by the Person responsible for the payment thereof.

PART XII - POLLUTION

36. No Person shall wilfully or negligently pollute any reservoir from which Water is conveyed by the Waterworks System or Water flowing through the Waterworks System or deposit anywhere any deleterious substance which may in any way contaminate such reservoir or such Water.

PART XIII - APPLICATION OF RATES AND FEES

37. All fees, charges and rates collected under the provisions of this by-law shall be applied by Council for such purpose or purposes as Council determines from time to time.

PART XIII - PENALTIES

38. (1) Notwithstanding anything to the contrary contained elsewhere in this by-law Council may on twenty-four (24) hours written notice, order that the supply of Water to any Person in default of the requirements of this by-law be turned off, in which case the person in default shall not be entitled to receive any further Water from the Waterworks System until such person has remedied the default.
- (2) It shall be unlawful for any Person whose Water has been turned off pursuant to sub-section (1) to turn such Water on again or take any Water from the Waterworks System until such time as Council authorizes the maintenance Supervisor to turn the Water on again.
39. Any Person who disobeys or fails to comply with 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 Hundred Dollars (\$100.00) or to imprisonment for a period not exceeding thirty (30) days, or to both.

APPROVED AND PASSED at a duly convened meeting of the Council of the Bella Coola Band of Indians this 23rd day of January, 1987.

Edward Moody
CHIEF COUNCILLOR

W. L. Lallo
COUNCILLOR

Archie Pothan
COUNCILLOR

Ken Lallo
COUNCILLOR

COUNCILLOR

Simon Schoon
COUNCILLOR

COUNCILLOR

Frank Heber
COUNCILLOR

COUNCILLOR

I, Edward Moody, Chief Councillor of the Bella Coola Band of Indians, do hereby certify that a true copy of the foregoing by-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act this 23rd day of January 1987.

Dora Chllecmin
WITNESS

Edward Moody
CHIEF COUNCILLOR

SCHEDULE "A"

SCHEDULE OF FEES

UNMETERED WATER USERS FEES

Unmetered Water users fees are payable in the following amounts:

- | | | |
|-----|---|-----------|
| (a) | In respect of each single family dwelling, an annual toll of | \$ 20.00 |
| (b) | In respect of each single family dwelling utilized as a multiple dwelling, boarding house, etc. an annual toll of | \$ 20.00 |
| (c) | In respect of each additional dwelling, cabin, trailer, or other accomodation on the same parcel of Land utilizing one connection, using Water from the Band's works, an annual toll of | \$ 20.00 |
| (d) | In respect of each duplex, suite or apartment building an annual toll per unit of | \$ 20.00 |
| (e) | In respect of each store, bank, office building, garage, an annual toll per unit of | \$ 50.00 |
| (f) | In respect of each motel with living quarters attached, an annual toll of | \$ 50.00 |
| | plus an annual toll of | \$ 20.00 |
| | for each motel unit | |
| (g) | In respect of each hotel, an annual toll of | \$ 50.00 |
| (h) | In respect of each restaurant, coffee shop or drive-in, whether operated separately or in conjunction with a hotel or motel, an annual toll of | \$ 50.00 |
| (i) | In respect of each laundromat or car wash facility, an annual toll of | \$ 200.00 |

- | | | |
|-----|--|-----------|
| (j) | In respect of each school, an annual toll of | \$ 50.00 |
| (k) | In respect of each trailer court, camp site, etc., having central washrooms or laundry facilities (does not include mobile home coursts) an annual toll of | \$ 200.00 |
| (l) | In respect of each sawmill having washrooms, lunchrooms or other employee facilities, an annual toll of | \$ 200.00 |
| (m) | In respect of each fruit packing plant, cannery, etc., an annual toll of | \$ 200.00 |

METERED WATER USERS RATES:

Metered Water users fees are payable in the following amounts:

- | | | |
|-----|--|----------------------------|
| (a) | Minimum annual charge for first 10,000 cubic feet of | 45¢ per hundred cubic feet |
| (b) | For next 20,000 cubic feet per year | 34¢ per hundred cubic feet |
| (c) | For next 50,000 cubic feet per year | 25¢ per hundred cubic feet |
| (d) | For consumption over 80,000 cubic feet per year | 19¢ per hundred cubic feet |