

CAMPBELL RIVER INDIAN BAND

BY-LAW NO. 1996-3

A BY-LAW TO AUTHORIZE RATES AND REGULATIONS FOR USE OF THE WATERWORKS SYSTEM WITHIN CERTAIN PORTIONS OF CAMPBELL RIVER INDIAN RESERVE NO. 11 ZONED FOR COMMERCIAL PURPOSES.

WHEREAS:

A. The Council ("Band Council") of the Campbell River Indian Band ("Band") has by virtue of Section 81.(1)(f) of the *Indian Act* the power to make by-laws for the construction and maintenance of watercourses and other local works.

B. The Band Council wishes to develop a shopping centre, residential condominiums, office facilities and other commercial developments on the following lands within Campbell River Indian Reserve No. 11:

Lot 132
Campbell River Indian Reserve No. 11
Sayward District
CLSR Plan 77828

Lot 134
Campbell River Indian Reserve No. 11
Sayward District
CLSR Plan 77343

Lot 136
Campbell River Indian Reserve No. 11
Sayward District
CLSR Plan 78317

("Reserve Commercial Lands") and on adjacent non-reserve lands, the registered owner of which is Discovery Harbour Holdings Ltd., a corporation whose shares are owned entirely by members of the Band.

C. The Band Council wishes to ensure, to the extent possible, that municipal services will be available within the Reserve Commercial Lands to the level and standard that such services are available within non-reserve lands adjacent to the Reserve Commercial Lands.

NOW THEREFORE, the Band Council enacts as follows:

1. This By-law may be cited for all purposes as the "Waterworks System By-Law No. 1996-3".
2. In this By-Law, unless the context otherwise required:

- "Apartment House" or "Multiple Dwelling"** means any building, not being a lodging house or motel, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied, as the home or residence of three or more families living independently of each other and doing their own cooking within their apartment or suite.
- "Band"** means the Campbell River Indian Band.
- "Band Council"** means the Council of the Band.
- "Bungalow Court"** means a group of separate structures on a single parcel of land, proving living accommodation for permanent residents on a rental basis.
- "Collector"** means the Collector duly appointed by the Band Council, or such other person as the Band Council may by resolution appoint.
- "Consumer"** means any person, company or corporation who is the owner or agent for the owner of any premises to which water is supplied or made available from any of the works and also any person who is the occupier of any such premises, and also including any person who is actually a user of water supplied to any premises or by any services from the said works.
- "Council"** means Council of the District of Campbell River.
- "District"** means the District of Campbell River.
- "Disconnect"** means the turning off and severing connection with, or complete removal, of a Water Connection from the waterworks system within the Reserve Commercial Lands
- "Engineer"** means the District Engineer of the District, as well as any person lawfully acting for the time being in that capacity.

- "Fire Service"** means any installation which may be provided to supply water for fire fighting purposes over and above the supply of water required.
- "Irrigation"** means the sprinkling or pouring of water by means of any pipe, hose, irrigation ditch or flume upon or under the surface of the ground from the water supply mains of the District.
- "Meter Service"** means a service having thereto a meter for determining the quantity of water supplied by such service.
- "Occupier"** means:
- (a) one who is qualified to maintain an action for trespass; or
 - (b) the person in possession of land held under lease, licence, agreement for sale, accepted application to purchase, easement, or other record from the Crown, or who simply occupies the land.
- "Owner"** means the owner of or holder of a leasehold interest in the Reserve Commercial Lands, or any portion thereof.
- "Person"** shall mean and include natural persons of either sex, associations corporation, bodies politic, co-partnerships whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators and assigns or other legal representative of such person to whom the context can apply according to law.
- "Plumbing Inspector"** means the Plumbing Inspector of the District as well as any person lawfully acting for the time being in that capacity.
- "Rate"** means the price or sum of money to be paid by a Consumer for any water supplied or made available from the Waterworks.

- "Reserve Commercial Lands"** means lands within Campbell River under Reserve No. 11 described as follows:
- Lot 132, 134 and 138
Campbell River Indian Reserve No. 11
Sayward District
CSLR Plan 77828, and
- Lot 136
Campbell River Indian Reserve No. 11
Sayward District
CSLR Plan 78317
- "Service"** means and includes the supply of water from the Waterworks to any person, firm or corporation, and all pipes, taps, valves, connections and other things necessary to or actually used for the purpose of such supply, except water meters.
- "Water Connection"** shall refer to a connection of three quarter inch pipe or other size connecting to a main supply line and extending to the shut-off box one foot from the property line of the customer or potential customer, and may or may not include a water meter but shall include a shut-off valve. The said Water Connection shall be the property of the Band.
- "Waterworks"** means the waterworks system within the Reserve Commercial Lands

3. The provisions of this By-Law shall govern the supplying of water from the Waterworks within the Reserve Commercial Lands.
4. No Person shall turn on or turn off any valves or taps of the Waterworks, or alter the flow of water in the Waterworks, except an employee or authorized agent of the Band Council under the control and direction of the Engineer.
5. No Person shall attach to or connect with, or cause to be attached to or connected with, the Waterworks any pipes, mains, or service howsoever without:
 - (a) a permit in writing issued by the Engineer; and
 - (b) upon receipt of such permit, effecting such work under the supervision of such employee, employees or agents of the Band Council as the Engineer may direct.

6. No person shall repair or alter, or cause any repairs or alteration to any service connected with the Waterworks without:
 - (a) a permit in writing issued by the Engineer; and
 - (b) upon receipt of such permit, effecting such work under the supervision of such employee, employees or agents of the Band Council as the Engineer may direct.
7. Applications for a permit for:
 - (a) the turning on or turning off of the supply of water to any service from the Waterworks;
 - (b) the attachment to or connection with the Waterworks of any pipe, main or service;
 - (c) the repair to or alteration of any service connected with or attached to the Waterworks;

shall be made to the Engineer in prescribed form .
8. All applications for a permit shall be signed by the applicant and delivered to the Engineer, and shall be accompanied by the payment of the fees and charges prescribed by this By-Law.
9. Except as otherwise provided in this By-Law, the Band Council shall prescribe all standards pertaining to connection with or attachment to the Waterworks of any mains, pipes or service, and the repair or alteration of any such service connected with the Waterworks.
10. The Band Council may cancel the permit of any Person, or have Disconnected from the Waterworks, the Service or work of any Person who fails to conform to the standards or requirements set by the Band Council.
11. The Band Council shall determine into which main of the Waterworks each Service shall be connected.
12. Employees or agents of the Band Council shall be entitled to enter upon the lands or premises within the Reserve Commercial Lands of any Person for the purposes of effecting the connection with the Waterworks of any Service, and the repair or alteration of any Service, and to supervise or direct the work of the Owner or applicant.
13. Where the water pressure in the main of the Waterworks exceeds 80 pounds per square inch, a pressure reducing valve of a type approved by the Plumbing Inspector shall be installed in the manner prescribed by the Plumbing Inspector on the Service or pipe of every connection with the Waterworks by every Owner of or applicant for a Water Connection. All costs and

expenses incidental to the installation of such pressure reducing valve shall be borne by the Owner of, or applicant for, a Water Connection. All costs and expenses incidental to the installation of such pressure reducing valve shall be borne by the Owner of, or applicant for, a Water Connection.

14. All underground pipe shall be not less than 36 inches below the surface of the ground, and all other pipes where so fitted as to be exposed to frost shall be properly protected. It shall be the duty of every Owner to provide and install a stop and waste cock on each separate branch of the Services on his premises and to see that all pipes, taps, fittings and other things connected with the Service within his premises are protected from frost, and are in good condition and installed in accordance with the provisions of the By-Laws of the Band Council. The Engineer may refuse to turn on the water to any premises and may discontinue any Service where these provisions are not complied with.
15. All requirements of this By-Law pertaining to the installation of service pipes upon any property within the Reserve Commercial Lands shall be met before the Band Council will effect the connection from any main to the property service.
16. The Band Council may in every case determine the size of the pipe to be used in supplying any premises.
17. Where an application for a Service Connection has been made and said Service cannot be provided unless an extension of the water main is made, such extension shall be installed under the following conditions:
 - (a) without cost to applicant provided the extension does not exceed 60 feet;
 - (b) where the extension is in excess of 60 feet, the applicant shall pay the total cost of the extension in excess of the first 60 feet;
 - (c) where two or more applications are received, the total cost applicable under (b) shall be divided pro rata among the applicants.

A deposit in the amount of 125% of the estimated cost for extension of mains under subsection (b) is payable in advance.

18. The Engineer shall Disconnect the Service to any premises for any of the following reasons, and the Band Council shall not be liable for damages by reason of discontinuing Service for such reasons:
 - (a) unnecessary wasteful use of water, or violation of regulations concerning water and sprinkling upon one hours notice;

- (b) upon receipt of written notice from the Collector that charges imposed under this By-Law, other than those charges that are eligible to be collected as taxes in arrear on the property serviced, are 60 days overdue and upon 15 days notice:
- (c) failure to repair or replace defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water upon 30 days notice.

Such Service shall not be turned on again to the said premises until there shall been paid to the Band Council:

- (i) the rate and rents which are then due and owing to the Band Council;
 - (ii) water turn-off and turn-on charges indicated in Schedule A hereof;
 - (iii) any additional cost incurred by the Band Council in order to prevent improper use of the water after the connection shall have been turned off.
19. It shall be unlawful for any Consumer to use any Services as motive power for the purpose of operating machinery or domestic apparatus.
20. All existing premises shall have a water meter installed therein on the main water supply line where the Engineer believes that the quantity of water delivered to the premises has exceeded 800 cubic feet per month throughout a period of three consecutive months.
21. All premises shall have a water meter installed therein on the main water supply line at the time of construction of the premises.
22. When a water meter is installed in any premises:
- (a) it shall be installed in such a way so that it registers all water delivered to the premises from the Waterworks;
 - (b) the cost of purchasing the water meter and installation thereof shall be borne by the owner of the premises in which the water meter is installed; and
 - (c) the water meter becomes the property of the Band Council once it is installed in any premises served by the Waterworks, and the Band Council shall thereafter maintain and repair such meter at its own cost.
23. A removable section of pipe shall be installed on the main water supply line within any building which does not have a water meter installed therein, so as to accommodate future installation of a water meter.

24. All water meters, which are installed in buildings or locations to which ready access is not available for meter reading by the Band Council, shall have remote readouts installed and paid for by the property Owners.
25. Every water meter shall be placed in a position satisfactory to the Engineer inside a heated building. The Band Council and its agents shall have free access to the premises for meter repairs and for the inspection of meters and other things connected with the Service; provided that no agents of the Band Council shall demand access to the premises at unreasonable hours or shall damage any property or be guilty of any improper or offensive conduct while upon the premises.
26.
 - (1) No person being the Owner or occupier of property in the Reserve Commercial Lands shall use water for lawn watering between June 1st and September 15th in each year except as follows:
 - (a) homes having an address where the last digit is an even number may water lawns only on even numbered days;
 - (b) homes having an address where the last digit is an odd number may water lawns only on odd numbered days.
 - (2) The Band Council may by resolution further restrict or prohibit all irrigating for emergency conservation of water.
27.
 - (1) All Persons shall keep their service pipes, stop cocks and other fixtures on their own premises in good order and repair and protect them from frost and injury at their own expense, and when a house is vacated, the stop and waste cock on the inside of the property shall be turned off and a tap opened for a vent.
 - (2) No device designed to introduce another substance into the water in the connection between the building and the main shall be installed.
 - (3) The property Owner, in each case, shall be responsible for the installation and maintenance of the Service, from the water service shut-off to the building.
28. The Plumbing Inspector or any person appointed by him may make personal inspection of all pipes and taps used for distribution of water in any building or premises to check for leaks or defects in such taps or pipes. It shall be unlawful for any Person to make any alterations, additions, extension or new branches to the existing water service on any premises within the Reserve Commercial Lands without first making application to the Band Council and obtaining a permit therefor. It shall be unlawful for any Person to cover up an alteration, addition, extension or new branch to the existing water service on any lands or premises until

the same have been inspected by the Plumbing Inspector, or duly authorized agent of the Band Council.

29. No Person, except the duly authorized agent of the Band Council shall in any way interfere with any hydrants, valve, stop cock, pipe or other Waterworks appliances outside of his own premises, nor shall he interfere in any way with any meter, or pipe leading to such meter, whether inside or outside of his premises, nor shall he make any addition or alteration to the water service in the street or road, nor make any connection with the water mains, or turn off or turn on any stop cock or valve.
30. Every Owner having Meter Service shall pay for the full amount of water as registered by the meter, according to the rates applicable to the Service, and no deduction shall be allowed on account of any waste of water.
31. The Band or Band Council shall not be liable to furnish a continuous supply of water to any premises. The Band and Band Council shall not be liable for the failure of the water supply in consequence of any action or damage to the works or any temporary stoppage thereof on account of alteration or repairs on any account whatever, whether such failure arises from the negligence of any person in the agent of the Band, Band Council or otherwise howsoever; but in the event of such failure or stoppage continuing for a period of more than four hours, the Engineer may, in his discretion, notify the water Consumers of the stoppage, alteration or repairs to the water supply.
32. It shall be lawful for the Band Council, without notice, to decrease the supply or use of any water to any building or premises where it is deemed to be in the public interest.
33. Schedules A, B, C, and D attached hereto are hereby declared to be part of this By-Law.
34. The user of water supplied by the Waterworks are hereby classified in accordance with the classification of users set out in Schedules B, C, and D hereof, the respective rates specified therein shall be imposed against an Owner of real property to which water is supplied.
35. A charge enumerated in Schedule B hereof shall be imposed on and from the first day of the month immediately following the date of commencement of Service to the real property and:
 - (a) shall be due and payable quarterly in advance on the date of commencement of Service, the 1st day of April, the 1st day of July and the 1st day of October in the first calendar year of Service; and
 - (b) shall be due and payable annually in advance thereafter on the 1st day of January in each year.

36. A charge due and payable under Section 36(b) hereof shall be billed on or before the 31st day of May in each year. Any such charge remaining unpaid on the 2nd day of July in the year of billing shall have a penalty added thereto in the amount of 10 percent of the amount of the unpaid sum.
37. Charges for metered and unmetered water, at the rates enumerated in Schedule C and D hereof, shall be due and payable on the first days of January, April, July and October in each year for the immediately preceding three months, and a charge for unmetered water shall be imposed on and from the first day of the month immediately following the date of commencement of Service to the real property.
38. A charge due and payable in accordance with Section 38 hereof which remains unpaid 35 days after date of billing shall have a penalty added thereto in the amount of 10 percent of the unpaid sum.
39. A charge enumerated in Schedule A hereof shall be paid by the Owner of a serviced property for a Service turn-off or turn-on.
40. In the event that any Consumer shall require water mains and/or a distribution system within his property, they shall be installed at his expense in accordance with the specifications of the Engineer.
41. Except as otherwise provided in this By-Law, any Person who violates any provision of this By-Law or who suffers or permits any act or thing to be done in contravention of the By-Law, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-Law shall be liable on summary conviction to a fine not exceeding \$1,000 and not less than the amount set out with respect to each section in Schedule A attached to and forming part of this By-Law. For each day that a violation is permitted to exist, it shall constitute a separate offence.
42. The Band Council shall have the right and be authorized to appoint the District and any person appointed or engaged by the District, including the Engineer and Plumbing Inspector to administer this By-Law and to carry out all the functions of the Band Council under this By-Law including, without limitation, the power to issue permits, authorizations, notices or certificates which the Band Council is empowered to issue under this By-Law and the power to enforce this By-Law. Permits, authorizations, notices and certificates issued by the District or any person appointed or engaged by the District in accordance with this By-law and the Band Council's appointment of the District or such person shall be considered to have the same force and effect as if issued by the Band Council.
43. This By-Law may be amended by Band Council Resolution.

44. This By-Law is hereby enacted by the Band Council at a duly convened meeting of the Band Council this 6 day of September, 1996.

Voting in favor of the By-Law are the following members of the Band Council:

J. Henderson

Robert Pollard

Gerald Roberts

Doug Swade

being the majority of those members of the Band Council present at the aforesaid meeting of the Council.

I, JOHN PATRICK HENDERSON, Chief of the Campbell River Indian Band, do hereby certify that a true copy of the foregoing By-Law was forwarded to the Minister of Indian and Northern Affairs pursuant to subsection 82.(1) of the *Indian Act*, the 6 day of September, 1996.

J. Henderson
John Patrick Henderson

Schedule to Waterworks System By-Law No. 1996-3

SCHEDULE A

Offence	Section	Fine
• No permit to connect	5(a)	\$100.00
• No permit for repairs/alterations	6(a)	\$100.00
• No water meter	20	\$100.00
• No water meter at time of construction	21	\$100.00
• Use water contrary to restrictions	27(i)(a)(b)	\$50.00