

## CAMPBELL RIVER INDIAN BAND

### BY-LAW NO. 1996-5

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#### A BY-LAW TO AUTHORIZE CERTAIN CHARGES FOR USE OF THE SANITARY SEWER SYSTEM.

##### WHEREAS:

A. The Council ("Band Council") of the Campbell River Indian 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 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. It is deemed desirable and expedient that sanitary sewer connections be laid from the Sanitary Sewer System mains to parcels of land upon which building or structures are situated.

D. It is deemed desirable and expedient that Owners shall be compelled to connect their buildings and structures to such sanitary sewer connections, and shall pay the charges hereinafter set out for such sanitary sewer connections.

E. 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 "**Sanitary Sewer Connections By-Law No. 1996-4**".
2. This By-Law shall apply to all users of the Sanitary Sewer System within the Reserve Commercial Lands.
3. Schedules A, B and C attached hereto are hereby declared to be part of this By-Law.
4. The users of the Sanitary Sewer System or any extension of the Sanitary Sewer System are hereby classified in accordance with the classification of users set out in Schedules A, B and C hereof, and the respective charges specified therein shall be imposed against an owner of real property or the holder of a leasehold interest in the Reserve Commercial Lands ("owner") which is connected to and uses the Sanitary Sewer System.
5. A charge enumerated in Schedule "A" hereof shall be imposed on and from the first day of the month immediately following the date of connection of the property to the Sanitary Sewer System and
  - (a) shall be due and payable quarterly in advance on the date of connection, the 1st day of April, the 1st day of July and the 1st day of October in the first calendar year of imposition; and
  - (b) shall be due and payable annually in advance thereafter on the 1st day of January in each year.
6. A charge due and payable under Section 5(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 charge.
7. Charges for metered and unmetered sewer service at the rates enumerated in Schedules B and C hereof shall be due and payable on the 1st days of January, April, July and October in each year for the immediately preceding three months, and a charge for unmetered sewer service shall be imposed on and from the 1st day of the month immediately following the date of connection of the real property to the Sanitary Sewer System.
8. A charge due and payable in accordance with Section 7 hereof which remains unpaid 35 days after billing shall have a penalty added thereto in the amount of 10 percent of the unpaid sum.

- 9. The Band Council shall have the right and be authorized to appoint the District and any person appointed or engaged by the District 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.
- 10. This By-Law may be amended by Band Council Resolution.
- 11. 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:

<u>J. Anderson</u>	<u>Robert Tallard</u>
<u>Gerald Roberts</u>	_____
<u>Doug Drake</u>	_____

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. Anderson  
John Patrick Henderson

**SCHEDULE A - Non-Metered Users**

Charges to be billed quarterly in the first calendar year and annually thereafter for use of the Sanitary Sewer System within the boundaries of the Reserve Commercial Lands by those users who are not metered for water usage.

**RESIDENTIAL USERS**

		<b>Each Single Family Unit</b>
Single Family Dwelling	per month	\$14.25
Single Family Dwelling with suite	per month	14.25
Duplex or Multiple Dwelling	per month	14.25
Apartments	per month	14.25
Boarding or Lodging House	per month	14.25

**COMMERCIAL USERS**

Reception Halls	per month	\$ 46.90
Curling Rink with Liquor Lounge	per month	157.00
Cafe or Coffee Shop	per month	46.90
Restaurant or Dining Room	per month	62.50
Neighbourhood Public Houses	per month	156.50
Liquor Lounges	per month	156.50
Cabarets	per month	156.50
Hotels - for each sleeping room	per month	4.75
Store or Office having one or more sanitary sewer outlets with:		
(a) 1 to 5 employees	per month	14.25
(b) 6 to 10 employees	per month	28.50
(c) 11 to 15 employees	per month	42.75
(d) 16 or more employees	per month	57.00
Multi-Purpose Building having Stores or Offices or a combination of both with common washrooms with:		
(a) 1 to 5 persons employed in the building	per month	14.25
(b) 6 to 10 persons employed in the building	per month	28.50
(c) 11 to 15 persons employed in the building	per month	42.75
(d) 16 or more persons employed in the building	per month	57.00
Motel or Auto Court - for each site or unit	per month	6.30

Mobile Home or Trailer Park:

**COMMERCIAL USERS**

- Each sewerer site for year-round use	per month	14.25
- Each sewerer site for summer use only	per month	7.10

Other Commercial Users not enumerated in this Schedule or Schedule B hereof with:

(a) 1 to 5 employees	per month	14.25
(b) 6 to 10 employees	per month	28.50
(c) 11 to 15 employees	per month	42.75
(d) 16 or more employees	per month	57.00

**INSTITUTION USERS**

Schools - per classroom	per month	8.00
Hospitals - per patient room	per month	8.00

**SCHEDULE B**

**METERED USERS**

Charges to be billed quarterly for use of the Sanitary Sewer System within the boundaries of the Reserve Commercial Lands by those users whose premises have a water meter installed to measure the quantity of water delivered to their premises.

**PUBLIC ICE ARENAS**

A public ice arena shall be charged for use of the sanitary sewer system according to the quantity of water delivered to the premises which is actually discharged into the sanitary sewer as measured by a water meter as follows:

\$1.35 per 100 cubic feet or part thereof computed to the nearest five cents with a minimum charge of \$29 per month.

**OTHER USERS**

Persons whose premises have a water meter installed to measure the quantity of water delivered to their premises shall be charged for use of the Sanitary Sewer System according to the quantity of water delivered to their premises as measured by a water meter as follows:

\$1.35 per 100 cubic feet or part thereof computed to the nearest five cents with a minimum charge of \$14.25 per month.

OR, in the event that a portion of the water delivered to their premises is used to manufacture ice or was permitted by the Band Council to be discharged into a storm sewer or a drainage ditch, such persons shall be charged a the above rate for use of the Sanitary Sewer System according to the quantity of water delivered to their premises which is discharged into the Sanitary Sewer System only, as measured by water meter installed and paid for by them.

**SCHEDULE C****NON-METERED USERS**

Charges to be billed quarterly for use of the Sanitary Sewer System by those users located outside the boundaries of the Reserve Commercial Lands who are not metered for water usage.

**RESIDENTIAL USERS**

		<b>Each Single Family Unit</b>
Single Family Dwelling	per month	\$28.50
Single Family Dwelling with suite	per month	28.50
Duplex or Multiple Dwelling	per month	28.50
Apartments	per month	28.50
Boarding or Lodging House	per month	28.50

**INSTITUTION USERS**

Schools - per classroom	per month	16.00
Hospitals - per patient room	per month	16.00

**METERED USERS**

Charges to be billed quarterly for use of the Sanitary Sewer System by those users located outside the boundaries of the Reserve Commercial Lands whose premises have a water meter installed to measure the quantity of water delivered to the premises.

**ALL USERS**

Persons whose premises have a water meter installed to measure the quantity of water delivered to their premises shall be charged for use of the Sanitary Sewer System according to the quantity of water delivered to their premises as measured by a water meter as follows:

\$2.70 per cubic feet or part thereof computed to the nearest five cents, with a minimum charge of \$27.50 per month.

OR, in the event that a portion of the water delivered to their premises is used to manufacture ice or was permitted by Band Council to be discharged into a storm sewer or drainage ditch, such persons shall be charged at the above rate for use of the Sanitary Sewer System according to the quantity of water delivered to their premises which is discharged into the Sanitary Sewer System as measured by water meter installed and paid for by them.