

**CAMPBELL RIVER INDIAN BAND**

**BY-LAW NO. 1996-6**

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**A BY-LAW FOR INSTALLING STORM DRAIN CONNECTIONS AND FOR COMPELLING OWNERS TO CONNECT THEIR LANDS AND BUILDINGS WITHIN CERTAIN PORTIONS OF CAMPBELL RIVER INDIAN RESERVE NO. 11 ZONED FOR COMMERCIAL PURPOSES AND STRUCTURES OR IMPROVEMENTS THEREON TO SUCH CONNECTIONS.**

**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. It is deemed desirable and expedient that Owners shall be compelled to connect their lands and the building, structures or improvements thereon, to such storm drain connections, and pay the charges hereinafter set out for such storm drain connections.
- D. 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 "**Storm Drain Connections By-Law No. 1996-6**".
2. In this By-Law, unless the context otherwise requires:

- "Band"** means the Campbell River Indian Band.
- "Band Council"** means the Council of the Band.
- "buildings or structures"** means and includes any buildings or structures used wholly or in part for human habitation, or in which human beings are employed in respect of any trade, business or calling.
- "District"** means the District of Campbell River.
- "Owner"** means the owner of or holder of a leasehold interest in Reserve Commercial Lands or any portion thereof.
- "person"** means a corporation, partnership, or party, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.
- "property"** means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Indian Lands Registry.
- "Reserve Commercial Lands"** means lands within Campbell River Indian 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

3. Storm drain sewer connections shall be installed from the storm drain mains to properties

- (a) upon which buildings or structures are situated, or
- (b) which have been altered from the natural state of the property in such a manner that the Band Council is of the opinion that it is necessary or advisable that the property be drained,

when the storm drain mains to service the said properties are being constructed, or at some other time if so directed by resolution of the Band Council.

4. There is hereby imposed upon the Owners of properties to which storm drain connections are laid, the following charge of each connection (hereinafter referred to as the "connection charge"):
  - (a) for a 150 millimeter (6 inch) diameter pipe connection, the charge shall be \$600;
  - (b) connections larger than 150 millimeters shall be charged on a cost plus administration fee basis with a minimum charge of \$600;
  - (c) where a residential building exists on a lot at the time of the adoption of this By-Law, the connection charge to such property shall be \$600 for the first two connections and \$600 for each additional connection in excess of the said two connections.
5. The connection charge, or a deposit in the amount of 125 percent of the estimated cost of a connection larger than 150 millimeters diameter, shall be paid at the time application is made for a storm drain connection permit or 365 calendar days after the date upon which the storm drain connection becomes available to the property, whichever comes first.
6. An Owner of property to which a storm drain connection is laid pursuant to Section 3 hereof may, within 30 days from the date of the connection charge invoice, elect to pay the connection charge together with interest at the rate of 10.5 percent per annum in 10 equal annual installments by completing and signing an application form and delivering same to the Band Council. The said installments shall thereafter become a charge against the Owner's interest in the property.
7. Notwithstanding Section 4, no connection shall be imposed upon the Owner of property receiving a storm drain connection if the said Owner is requested to and signs an easement in favor of the Band or its nominee for the purpose of installing storm drain mains on his property, provided, however, that this exemption shall not apply to the Owner of property if the provision of a storm drain easement on the property was a condition of subdivision or such other condition that may have been imposed by the Band Council.
8. Every Owner of property which
  - (a) has a building, structure or improvement situated thereon, or

- (b) which have been altered from the natural state of the property in such a manner that the Band Council is of the opinion that it is necessary or advisable that the property be drained,

shall connect each such building, structure or improvement on his property to the storm drain connection laid pursuant to Section 3 not later than 365 calendar days after the date upon which the storm drain service becomes available to the said property. In the event of such Owner failing to make the necessary connection by the prescribed date, the Band Council may have the work done at the expense of such Owner and such expense shall be a charge against such Owner's interest in the property.

9. Every Owner of property which is served by a storm drain main and who:

- (a) erects a building, structure or improvement thereon, or
- (b) alters the natural state of the property in such a manner that the Band Council is of the opinion that it is necessary or advisable that the property be drained,

shall, unless a storm drain connection has already been laid, make application to the Band Council for a storm drain connection prior to receiving a building permit or at such earlier time as may be prescribed by the Band Council and shall pay in advance the appropriate connection charge as set out in Sections 4 and 5 of this By-Law. The said Owner of the property shall connect such building, structure or improvement to the storm drain connection. In the event of such Owner failing to make the necessary connection, the Band Council may have the work done at the expense of such Owner and such expense shall be a charge against the Owner's interest in the property.

10. An Owner of property which is to be served by a storm drain main and

- (a) upon which no building, structure or improvement is situated, or
- (b) which have been altered from the natural state of the property in such a manner that the Band Council is of the opinion that it is necessary or advisable that the property be drained,

may make application to the Band Council for a storm drain connection to be laid to the said property at the time of constructing the storm drain main, and upon payment in advance of the appropriate connection charge, as set out in Sections 4 and 5 of this By-Law shall be entitled to receive such storm drain connection.

11. (a) Where more than one building, structure or improvement is erected on any property, or

- (b) Where the natural state of the property has been altered in such a manner that the Band Council is of the opinion that it is necessary or advisable that the property be drained, or
- (c) Where a building or structure is other than a single family dwelling,
- the Band Council shall prescribe the size and number of storm drain connections required to adequately serve such buildings, structures or improvements of such property.
12. All connections to the storm drain system shall be made in accordance with the regulations contained in the Province of British Columbia Plumbing Code.
13. No person or persons shall connect to the storm drain system, any sanitary sewage for the purpose of disposing of such sanitary sewage nor shall any substance or matter other than storm water be admitted to the storm drain system.
14. The Band Council may order any person or persons which, in the opinion of the Band Council, are contravening the provisions of Section 13 to forthwith disconnect any or illegal connections to the storm drain system, and if such disconnection has not been completed within the time specified in the order, the Band Council may disconnect at the cost of the Owner of the property, and such cost when incurred shall become a charge against the Owner's interest in the property.
15. Any person or persons who commits an offence against any of the provisions of this By-Law, is punishable in accordance with the *Indian Act*.
16. 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.
17. This By-Law may be amended by Band Council Resolution.
18. 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. Henderson</u>	<u>Robert Peltier</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. Henderson  
John Patrick Henderson