

SQUAMISH NATION SENAKW WATER WORKS BY-LAW 2022

This By-law was published and came into force on _____.

SQUAMISH NATION SENAKW WATER WORKS BY-LAW

WHEREAS the Band Council of the Squamish Indian Band deems it to be in the best interests of the Squamish Nation to enact a By-law dealing with the delivery and provision of water related services to Kitsilano Indian Reserve No. 6.

NOW THEREFORE the Band Council of the Squamish Indian Band at a duly convened meeting of the Band Council assembled on the 30th day of June, 2022, hereby enacts, pursuant to sections 81(1)(l), 81(1)(q) and 81(1)(r) of the *Indian Act*, R.S.C. 1985, Chapter I-5, as a by-law the following:

Interpretation

Definitions

1. The following definitions apply in this By-law:
 - (a) “**Canada**” means Her Majesty in right of Canada;
 - (b) “**incorporated by-laws**” means the Water Works By-law and the Ticket Offences By-law;
 - (c) “**lands**” means Kitsilano Indian Reserve No. 6;
 - (d) “**Services Agreement**” means the Senakw Services Agreement dated as of May 25, 2022 between the Squamish Nation and the City of Vancouver;
 - (e) “**Ticket Offences By-law**” means, subject to the condition set out in section 17, City of Vancouver Ticket Offences By-law No. 9360, as amended or replaced from time to time; and
 - (f) “**Water Works By-law**” means City of Vancouver Water Works By-law No. 4848, as amended or replaced from time to time, as adapted by sections 10 to 14.

Provincial Interpretation Act

2. The incorporated by-laws are to be interpreted in accordance with the British Columbia *Interpretation Act*, R.S.B.C. 1996, c. 238, as amended from time to time, and, for that purpose, references to “enactment” in that Act are to be read to include the incorporated by-laws.

Application of Incorporated By-laws

Incorporation by reference

3. When this By-law comes into force, the incorporated by-laws apply to the lands, or any portion of the lands, and shall not alter, limit or supersede the rights of the City of Vancouver or the Squamish Indian Band under the Services Agreement.
4. The application of the Ticket Offences By-law, as incorporated in this By-law is subject to the condition set out in section 17.

Restriction – By-laws in force

5. A provision of this By-law only applies if the provision of the respective incorporated by-law is in force.

Offences and Penalties

6. Any contravention of this By-law may be subject to the penalties set out in section 16.

Incorporation of procedural matters

7. Subject to any adaptations set out in sections 10 to 14 and the condition set out in section 17, the following are to be conducted by and at the discretion of the City of Vancouver, without the requirement for the participation or involvement of the Squamish Indian Band, in accordance with the laws of British Columbia, whether or not those laws are incorporated under this By-law:

- (a) the prosecution of an offence, or any other proceedings, in relation to a contravention of this By-law; and
- (b) any notice or other procedures required in relation to an action to be taken under this By-law.

Specified persons and officials

8. A person who has a power, duty or function under the incorporated by-laws has the same power, duty or function under this By-law, subject to the adaptations set out in sections 10 to 14 and the condition set out in section 17.

Interpretation of incorporated law

9. Unless otherwise provided by this By-law, a person appointed to a position under the incorporated by-laws is deemed to have been appointed to that position for the purposes of this By-law for so long as that person remains in that position under that incorporated by-law.

Adaptations to Incorporated By-laws

References to a “person”

10. A reference in the incorporated by-laws to a person is to be read to not include Canada.

Customer

11. A customer under the Water Works By-law means

- (a) any tenant under a lease of any portion of the lands from Canada or Squamish Indian Band,
- (b) a subtenant under any sublease from that tenant,
- (c) a renter under a rental agreement from a tenant or subtenant, and
- (d) a registered tenant of land under a strata lot lease.

Fees and Charges

12. Any fees, charges, costs, or other amounts payable under the incorporated by-laws by a customer, other than penalties or fines, are required to be paid by Squamish Indian Band in accordance with the Services Agreement.

Other Obligations

13. Any obligations of a customer under the Water Works By-law, other than the obligation to make the payments set out in section 12, are obligations of the customer.

Taxes

14. The City of Vancouver will not enter any amount payable by a customer under the Water Works By-law on its tax roll or levy or collect any taxes in respect of that amount.

Severability

15. If any provision of this By-law is found invalid, that provision is severable.

By-law Enforcement

Penalties

16. Every person who offends against or violates any of the provisions of this By-law or who suffers or permits anything to be done in contravention or violation of any of the provisions of this By-law is guilty of an offence punishable on summary conviction and
 - (a) if that person has attorned in writing to the City of Vancouver's jurisdiction, including as a party to a lease, sublease, rental agreement or other agreement:
 - (i) is liable to a fine of not more than \$10,000.00 for each offence; and
 - (ii) if the contravention is of a continuing nature is liable to a fine of not more than \$10,000.00 for each day that offence continues;
 - (b) if paragraph (a) does not apply:
 - (i) is liable to a fine of not more than \$1,000.00 for each offence; and
 - (ii) if the contraventions is of a continuing nature is liable to a fine of not more than \$1,000.00 for each day that offence continues.



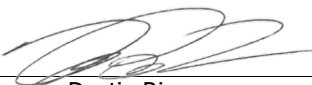
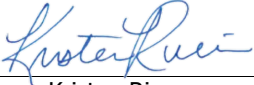
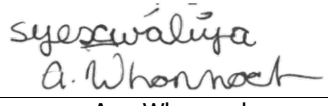
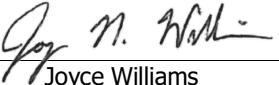


Application of Incorporated Ticket Offences By-law Provisions

17. The provisions of the *Ticket Offences By-law* that are incorporated in this By-law only apply to a contravention of this By-law if the person that has contravened this By-law has attorned in writing to the City of Vancouver's jurisdiction, including as a party to a lease, sublease, rental agreement or other agreement.

Title

18. This By-law may be cited for all purposes as Squamish Nation Senakw Water Works By-law 2022.

APPROVED AND PASSED at a duly convened meeting of the Band Council of the Squamish Band of Indians this 30 day of June, 2022

A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF 4 COUNCILLORS	<u>SQUAMISH NATION COUNCIL</u> <u>MEETING HELD AT:</u>		320 SEYMOUR BLVD NORTH VANCOUVER, B. C.	
			DATED: June 30, 2022	
	MOVED BY: Ann Whonnock		SECONDED BY Stewart Gonzales	
	 _____ Stewart Gonzales Sempúyan		 _____ Shayla Jacobs Sumkwaht	
	 _____ Dustin Rivers Sxwchálten iy Xelsílem	 _____ Kristen Rivers Tiyáltelut	 _____ Ann Whonnock Syexwáliya	
	 _____ Joyce Williams	 _____ Chief Richard Williams Xwélxwelacha Siyam	 _____ Wilson Williams Sxwíxwtn	