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CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Tsleil-Waututh First Nation Sewer By-law No. 2001**, which came into effect February 20, 2002, is a true copy of the said by-law.

Kathy Hankin

Kathy Hankin
A/Associate Director, Lands and Trust Services,
a superintendent as defined in
Section 2(1) Indian Act RSC 1985

TSLEIL WAUTUTH NATION

(Burrard Indian Band)

SEWER BY-LAW No. 2001

A By-law to establish a storm sewer system and a sanitary sewer system on the Reserve.

WHEREAS the Council of the Tsleil Waututh Nation also known as the Burrard Indian Band (the "Band"), wishes to establish a By-law relating to the adequate provision of a storm sewer system and a sanitary sewer system on the Reserve; and

WHEREAS the Council of the Band is empowered to make such a By-law and the imposition of a penalty for the violation thereof pursuant to paragraphs 81(1) (a), (f), (p.1), (q) and (r) of the *Indian Act*.

NOW THEREFORE BE IT RESOLVED the Council of the Band at a duly convened meeting, enacts as a By-law the following:

Title

1. This By-law may be cited as the "TSLEIL WAUTUTH NATION SEWER BY-LAW 2001".

Definitions

2. In the By-law:

"Approval" means acceptance as satisfactory to the Director;

"Band" means the Tsleil Waututh Nation (Burrard Indian Band), a band of Indians as defined in the *Indian Act*;

"Band Council Resolution" or "Resolution" means a motion, as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Band Council pursuant to the consent of a majority of the councillors of the Band present at that meeting;

"Clear Water Waste" means waste water with impurity levels that will not contravene the *Fisheries Act*, R.S.C. 1985, c. F-14, and includes cooling water obtained from a domestic water supply and to which no substance has been added, condensate drainage from refrigeration and air conditioning equipment, and cooled condensate from steam heating system, but does not include Storm Water;

“Chief and Council” or “Band Council” or “Council of the Band” means the Chief and Council of the Band elected pursuant to sections 2(1) and 74 of the *Indian Act* or any amendments or successors thereof;

“Director” means the Director as designated by the Band Council or, if no such designation has been made by the Band Council, the Director of Parks and Engineering Services of the District or his/her designate;

“District” means The Corporation of the District of North Vancouver;

“District Employees” means authorized personnel of the District, persons authorized by the District, and persons engaged under independent contract by the District or the Band;

“Domestic Sewage” means sewage generated through normal residential (domestic) use;

“GVRD” means the Greater Vancouver Regional District;

“*Indian Act*” means the *Indian Act* R.S.C. 1985 c. I-5, as amended or re-enacted from time to time or any regulations promulgated thereunder;

“Occupier or Occupant” includes tenant, lessee, agent, licensee, permittee and any other person who has the right of access to and control of any Premises to which this By-law applies;

“Owner” means any person or entity that is in lawful possession of land or Premises on the Reserve or has possession as authorized by the Council;

“Order to Comply” means an order substantially in the form of Schedule “E” to this By-law;

“Permit” means a document issued pursuant to this By-law authorizing a person to carry on a procedure or undertaking, under certain and specified conditions;

“Premises” means any building, grounds and appurtenances within the Reserve;

“Real Property” means land, with or without improvements so affixed to the land as to make them in fact and law a part of it;

“Reserve” means Burrard Inlet Indian Reserve No. 3, Inlailawatash Indian Reserves No. 4 and 4A and any additions to the reserve lands of the Band;

“Sanitary Drainage System” means an assembly of pipe, fixtures, traps and appurtenances connected to a building on the Reserve that is used to convey sewage to a sanitary sewer connection;

“Sanitary Sewer Connection” means the pipe installed within a highway, a right of way, or easement on a sanitary sewer main to provide the connection between the Sanitary Sewer System and a Sanitary Drainage System;

“Sanitary Sewer System” means the system of pipes, pumps, and appurtenances on the Reserve that conveys Sewage from the Sanitary Sewer Connection to the District trunk main at the boundary of the Reserve for conveyance to the Greater Vancouver Sewerage and Drainage District (the “GVS & DD”) facility;

“Sewage” means a liquid waste, other than Clear Water Waste, and Storm Water that is or is intended to be discharged into the Sanitary Sewer System;

“Storm Sewer Connection” means the pipe installed within a highway, a right of way or easement on a storm sewer main to provide the connection between the Storm Sewer System and a Storm Drainage System;

“Storm Drainage System” means an assembly of traps, sumps, ditches and troughs connected to a building on the Reserve that is used to collect and convey Storm Water to a Storm Sewer connection;

“Storm Sewer System” means the system of pipes, ditches and watercourses on highways, rights of way and easements on the Reserve that conveys Storm Water from the Storm Sewer Connection to the District trunk main at the boundary of the Reserve or to the Storm Sewage outflows;

“Storm Water” means ground water or rainwater with impurity levels that will not contravene the *Fisheries Act*, R.S.C. 1985, c. F-14;

“Work” means any construction, installation, alteration, extension, excavation, back-filling, repair, maintenance, or replacement of a Sanitary Sewer System, Sanitary Sewer Connection, Storm Sewer Connection, or Storm Sewer System;

Work On Sewer Systems

3. No person, other than District Employees may do Work on the Sanitary Sewer System, or the Sanitary Sewer Connection or the Storm Sewer System, or the Storm Sewer Connection. The sanitary and storm sewer systems owned by the GVS & DD are excluded from this clause. In any event, the Director may require that every person engaged in work under this By-law be qualified.

Use Of Sanitary Sewer System

4. No person may use the Sanitary Sewer System for other than the discharge of Sewage. All discharge into the Sanitary Sewer System must comply with Greater Vancouver Sewerage and Drainage District Sewer Use Bylaw No. 164 as amended from time to time.

Use Of Storm Sewer System

5. No person may use the Storm Sewer System for other than the discharge of Storm Water or any Clear Water Waste or both as permitted by the relevant provisions of the current Building Regulations of British Columbia.

Requirements To Use The Storm Sewer System

6. Except as provided in this section all Storm Water, Clear Waste Water and run-off from hard surfaces shall discharge into the Storm Sewer System. Alternative discharge is permitted in accordance with the current Building Regulations of British Columbia, upon acceptance of the Band and the Director where the following conditions apply:
 - (a) discharge by pumping would be required;
 - (b) the Storm Sewer System is located more than 50 metres horizontally from the nearest point of Real Property upon which is located the building served by the Storm Drainage System; and
 - (c) the Storm Drainage System is connected to an approved existing, functioning, alternate discharge system.

Where an alternate discharge has failed or is creating damage or a nuisance to adjoining properties, the discharge shall be connected into the nearest available Storm Sewer System, or, failing the availability of a Storm Sewer System, an alternative system is acceptable if designed by a Professional Engineer and accepted by the Band and the Director.

Monitoring Chamber

7.
 - (a) The Band may waive the requirements of this section where the property Occupier has demonstrated that the intended use of the property including any construction or remodeling work will introduce only sanitary waste, as defined in the Greater Vancouver Sewerage and Drainage District Sewer Use Bylaw No. 164 as amended from time to time, into the Sanitary Sewer System.
 - (b) New Sanitary Drainage Systems on land that is used for purposes that would, if located outside the Reserve, be zoned CD, industrial, or commercial according to

the "District of North Vancouver Zoning Bylaw, 1965", as amended, shall not be connected to a Sanitary Sewer Connection unless equipped with a monitoring chamber. The monitoring chamber that meets the technical specifications is set out in Schedule "A". For sampling purposes, the monitoring chamber must be void of Domestic Sewage. Process information and a technical drawing must be submitted to the Air Quality and Source Control Department of the GVRD, the Band and the Director for approval.

- (c) An Occupier served with written notice from the Band advising that a monitoring chamber is required on an existing or new Sanitary Drainage System located on that Occupier's property shall install a monitoring chamber on that Sanitary Drainage System in accordance with subsection 7(b) and 7(d) of this By-law;
 - (i) within one year of the notice being served for an existing Sanitary Drainage System; or
 - (ii) prior to connection to the Sanitary Sewer Connection in the case of a new Sanitary Drainage System; or
 - (iii) as ordered by the Band.
- (d) An Occupier of a parcel of land, or person on behalf of the Occupier, who installs a monitoring chamber shall install the monitoring chamber on the Sanitary Drainage System at or near property line within the bounds of the Occupier's parcel of land. All costs associated with the installation and maintenance thereof shall be the responsibility of the Occupier.

Inspection Chambers

- 8. All new Storm Drainage Connections and Sanitary Drainage Connections that do not require a monitoring chamber or an oil and grit chamber or have a man-hole at or near the property line shall be equipped with an inspection chamber that meets the technical specifications set out in Schedule "B".

Establishment Of Sewer Connections

- 9. The Band will allow connections to the Sanitary Sewer System and the Storm Sewer System in accordance with the following procedure:
 - (a) an Occupier of Real Property makes a written request to the Band for a Sanitary Sewer Connection or a Storm Sewer Connection;
 - (b) the request shall be accompanied by payment for the connection, in accordance with Schedule "C";

- (c) the request shall contain the permission of the Occupier of the Real Property for District Employees providing the connection to enter the Real Property being serviced;
- (d) upon being satisfied that the requested connection can be made in accordance with good engineering practice and complies with the provisions of this By-law, and the discharge meets the requirement of GVS & DD Sewer Use Bylaw No. 164, the Band may direct that the Work be done; and
- (e) the connection may not be used until approval has been granted by the Band and the Director.

Sanitary Sewer System User Charge

- 10. The Owner or Occupier connected to the Sanitary Sewer System shall pay to the Band the applicable charges for the use of the system in accordance with Schedule "D":

Order To Comply

- 11. When an Occupier of Real Property has failed to comply with the provisions of this By-law, the Band may serve on such Occupier an Order to Comply in the form of Schedule "E", specifying the non-compliance and indicating a date by which the Occupier is ordered to comply.

Service

- 12. The Band may serve any notice, order, or invoice issued pursuant to this By-law by:
 - (a) personal service; or
 - (b) return registered mail to the address of the Occupier in which case the Occupier shall be deemed to have been served on the third day after mailing.

Appeal

- 13. An Occupier who has been served with an Order to Comply may, by giving notice in writing to the Band at least three business days prior to the expiry of the time given in the Order to Comply to remedy the failure to comply, appeal to the Band Council in writing who may hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

Default

14. If the terms of an Order to Comply are not fulfilled by the date prescribed in the order, the Band may request District Employees enter the Real Property and do the Work necessary to bring the Real Property into compliance with the Order to Comply and the Band may recover the cost of such Work from the owner or Occupier of Real Property together with interest at the rate for overdue accounts as set by the Band Council.

Right Of Entry

15. The Band personnel designated by the Band to inspect the Sanitary Drainage System or the Storm Drainage System and District Employees may enter, at all reasonable times, on any property subject to this By-law, to ascertain whether the provisions of the By-law and the terms of any Permit or Order issued pursuant to this By-law by the Band are being observed.

Schedules Are Part of By-law

16. Schedules attached hereto are included and form part of this By-law.

Gender And Plurality

17. In this By-law, any words in the singular include the plural and words in the plural include the singular, and the masculine includes the feminine and neuter where the context requires. Reference to "his", "him", "hers", or "her" may include a body corporate.

Headings

18. Headnotes, marginal notes and headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.

Severability

19. If any provision of this By-law is found invalid, such provision is severable.

By-law Administration

20. Only persons authorized by Band Council Resolution may act as agent of the Band for the purpose of administrating this By-law.

Offence and Penalties

21. (a) 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, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this By-law, is guilty of an infraction of this By-law and is liable upon summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both; and

- (b) For each day that a violation of the provisions of this By-law is permitted to exist, it shall constitute a separate offence.

Remedies or Enforcement

- 22. Nothing this By-law, shall be construed as in any way limiting or restricting the powers of the Band or the Band Council to enforce the provisions of this By-law in any manner authorized by law.

Schedule "A"

Schedule "B"

Schedule "C"

"SCHEDULE OF INSTALLATION CHARGES"

1. Cast Iron Inspection Chamber Covers (each): \$125.00
2. Installation charges for Storm or Sanitary Sewer Connections.
 - (a) The "first connection" shall be the longest connection.
 - (b) "Second" connection, "third" connection, and "additional" connection rates shall only apply when these connections are installed in the same trench (standard width) as the "first" connection.
 - (c) Connection charges shall be based on the greater of the depths measured between the ground surface at the property line or the ground surface at the main and the design depth of the connection at those two locations.
 - (d) The charges for connections greater than 4 metres in depth or 300mm in diameter shall be estimated and charged on a site-specific basis.
 - (e) The location of the connection at the sewer main shall be at a point along the main no further than the midpoint of the lot adjacent to the lot being connected. This location shall be determined by the intersection of the sewer main and a line drawn perpendicular to the adjacent lot line at its midpoint.
 - (f) The cost to replace any existing legal pin distributed due to its proximity to the new connection shall be borne by the applicant.
 - (g) The cost for any rockwork requiring blasting shall be in addition to the charges calculated in this Schedule.

	0 to 2.5m DEEP	ADDITIONAL CHARGES	
		OVER 2.5m TO 3.0m DEEP	OVER 3.0 TO 4.0m DEEP
Base Charge for 1 st Connection	\$279/meter	\$100/meter	\$138/meter
2 nd Connection	\$85/meter	\$100/meter	\$138/meter
3 rd Connection	\$85/meter	\$100/meter	\$138/meter
Each Additional Connection	\$61/meter	\$71/meter	\$100/meter
Manhole	\$2,184	\$364/meter	\$485/meter

Examples:

a)

$$\begin{aligned}
 &1^{\text{st}} \text{ Connection, 3m deep, 10m long} = 10 \times \$279 + 10 \times \$100 = \$3,790 \\
 &2^{\text{nd}} \text{ Connection, 3m deep, 10m long} = 10 \times \$85 + 10 \times \$100 = \$1,850 \\
 &3^{\text{rd}} \text{ Connection, 2m deep, 7m long} = 7 \times 85 = \underline{\$ 595} \\
 &\qquad\qquad\qquad \text{TOTAL} = \$6,235
 \end{aligned}$$

b)

$$1^{\text{st}} \text{ Connection 3.5m deep, 10m long} = 10 \times \$279 + 10 \times \$138 = \$4,170$$

Schedule "D"

TITLE

1. "SANITARY SEWER AND DRAINAGE CHARGES AND FEES"

UNMETERED WATER SUPPLY

2. Where the water supply to a property is unmetered, an annual charge, which is due and payable at the same time and in the same manner as the general rates and taxes, is imposed on the Owner or Occupier of the Real Property for the maintenance of the Sanitary Sewer and Storm Drainage Systems according to the class of user as follows:

SEWER AND DRAINAGE USER CHARGES SEWER AND DRAINAGE USER CHARGES & FEES – ANNUAL CHARGE		
A. FLAT RATE CHARGES **		
	USER	2001
1.	Single Family Residence	\$ 213.00
2.	Duplex Residential Unit	\$ 213.00
3.	Strata Title Residential Unit	\$ 177.00
4.	Secondary Suite or Family Residential Unit	\$ 120.00
5.	Rest Home	\$ 213.00
	Plus per bedroom, an additional	\$ 36.00
6.	Retail, office or service commercial premise	\$ 213.00
	With living quarters, an additional	\$ 177.00
7.	Schools, up to ten classrooms plus	\$2,117.00
	Per classroom over ten, an additional	\$ 177.00
8.	Church	\$ 213.00

** Band members are exempt.

METERED WATER SUPPLY

3. Where the water supply to a property is metered, a charge, which is due and payable on or before the 20th day of the month in which the account is rendered, is imposed on the Owner or Occupier of the Real Property for the maintenance of the Sanitary Sewer and

Storm drainage Systems according to the quantity of water delivered to the property by the water utility as follows:

MONTHLY SEWER AND DRAINAGE CHARGES FOR METERED WATER SUPPLY PROPERTIES	
A. MONTHLY SEWER AND DRAINAGE CHARGES	
	2001
For the first 1,000 cu.ft. - metered per 100 cu.ft.	\$ 3.93
For the next 1,500 cu.ft. - metered per 100 cu.ft.	\$ 3.29
For the next 10,000 cu.ft. - metered per 100 cu.ft.	\$ 2.23
For the amount metered in excess of 12,500 cu.ft. per 100 cu.ft.	\$ 1.78
Except that the minimum charge is:	\$ 21.34

QUARTERLY SEWER AND DRAINAGE CHARGES FOR METERED WATER SUPPLY PROPERTIES	
QUARTERLY SEWER AND DRAINAGE CHARGES	
	2001
For the first 3,000 cu.ft. - metered per 100 cu.ft.	\$ 3.93
For the next 4,500 cu.ft. - metered per 100 cu.ft.	\$ 3.29
For the next 30,000 cu.ft. - metered per 100 cu.ft.	\$ 2.23
For the amount metered in excess of 37,500 cu.ft. per 100 cu.ft.	\$ 1.78
Except that the minimum charge is:	\$ 64.03

REDUCTION IN CHARGE

4. Where the water supply to a property is metered and a user of the sanitary sewer system can establish that less than 80% of the water delivered by the water utility to the property is discharged into the sanitary sewer system, the Treasurer shall reduce the charge in proportion to the amount of water which is not discharged into the sewer system as follows:
 - water is discharged to the sanitary sewer is less than 80% down to 65% – 25% reduction in sewer charge;
 - water discharged to the sanitary sewer is less than 65% down to 35% - 50% reduction in sewer charge; and
 - water discharged to the sanitary sewer is less than 35% - 75% reduction in sewer charge.

INDUSTRIAL BOD/TSS CHARGES

5. Where the discharge to sanitary sewer from a property is regulated under a **GVRD Waste Discharge Permit**, the total annual charge will consist of :

Charges for Metered Water Supply Properties as established in Part 3, plus
(Total BOD/TSS User Charges plus Total BOD/TSS Capacity Charges minus
Adjustment For Previous GVRD Sewer Charges)*

* Note: The sum total of the amounts in parentheses will not be less than 0

Total BOD/TSS User Charges, Total BOD/TSS Capacity Charges, and Adjustment For
Previous GVRD Sewer Charges are as follows:

ANNUAL BOD/TSS CHARGES - 2001		
	USER CHARGES (For Total Quantity Discharged During Operating Year**)	CAPACITY CHARGES (For Average Daily Quantity Discharged During Operating Year**)
BOD	\$0.065 / kg.	\$46.378 / kg. / day
TSS	\$0.434 / kg.	\$49.826 / kg. / day
.FLOW	\$0.103 / cu.m.	\$27.204 / cu.m. / day

** Note: Operating year is July 1, 1999 to June 30, 2000. Discharge quantities for table above are as determined by the GVRD. Metered volumes for table below are as determined from water meter readings.

ADJUSTMENT FOR PREVIOUS GVRD SEWER CHARGES - 2001	
MONTHLY METERED WATER SUPPLY **	
For the first 1,000 cu.ft. - metered per 100 cu.ft.	\$2.32
For the next 1,500 cu.ft. - metered per 100 cu.ft.	\$1.95
For the next 10,000 cu.ft. - metered per 100 cu.ft.	\$1.32
For the amount metered in excess of 12,500 cu.ft. per 100 cu.ft.	\$1.05
QUARTERLY METERED WATER SUPPLY **	
For the first 3,000 cu.ft. - metered per 100 cu.ft.	\$2.32
For the next 4,500 cu.ft. - metered per 100 cu.ft.	\$1.95
For the next 30,000 cu.ft. - metered per 100 cu.ft.	\$1.32
For the amount metered in excess of 37,500 cu.ft. per 100 cu.ft.	\$1.05

CHARGE FOR CONTAMINATED GROUNDWATER DISCHARGE TO SEWER

6. 2001.....\$0.272 per cubic metre.

Schedule "E"

Date:

ORDER TO COMPLY

Pursuant to the Tsleil Waututh Nation Sewer By-law 2001

TO:

Legal Description

**RE: Condition of Premises
Legal Description**

I have investigated the condition of the captioned Real Property and find that;

in violation of section _____ of the Tsleil Waututh Nation Sewer By-law 2001.

You are ordered to:

by _____, 20__.

Failure to comply with the Order may result in either or both of the following two actions set out in Sections 14 and 21 of the By-law:

Default

14. If the terms of an Order to Comply are not fulfilled by the date prescribed in the order, the Band may request District Employees enter the Real Property and do the Work necessary to bring the Real Property and to do the work necessary to bring the property into compliance with the Order to Comply and the may recover the cost of such work from the owner or Occupier of Real Property together with interest at the rate for overdue accounts as set by the Band Council.

Offence and Penalties

21. (a) 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, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this By-law, is guilty of an infraction of this By-law and is liable upon summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both; and
- (b) For each day that a violation of the provisions of this By-law is permitted to exist, it shall constitute a separate offence.

[Band Council]

This By-law known as the Tsleil Waututh Nation Sewer By-law 2001, is hereby enacted at a duly convened meeting of the Council of the Band this 17th day of December, 2001.

Voting in favour of the By-law are the following members of the Band Council:

Harold D. Thomas
(Member of Band Council)

Travis George
(Member of Band Council)

Chris [Signature]
(Member of Band Council)

[Signature]
(Member of Band Council)

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

The quorum of the Band Council is three (3) members.

Number of members of the Band Council present at the meeting: 4

I, LEAN GEORGE Chief/Councillor of the Tsleil Waututh Nation, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the District offices at 600 - 1138 Melville Street, Vancouver, British Columbia, V6E 4S3 in accordance to section 82(1) of the *Indian Act*, this 19th day of DECEMBER, 2001.