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14.0.0 POSITION VACANCIES

- 14.0.0.1 Chief and Council will be responsible for handling vacancies for the Executive Director position and for Management Positions.
- 14.0.0.2 The Band Manager will be responsible for handling all other staff vacancies in consultation with the appropriate manager.
- 14.0.0.3 A review of any pending vacancy will be commenced within ten (10) working days of an employee's notification of resignation, or a vacancy created by other means.
- a. The position description and salary or wage scale will be reviewed and updated if necessary, and
 - b. A decision will be made to choose an appropriate course of action which will include whether to:
 - i. Recruit immediately, or
 - ii. Delay recruitment, or
 - iii. Abolish the position, and/or
 - iv. Reorganize and absorb the position's duties
- 14.0.0.4 If recruitment is to be delayed the reason for the delay will be documented and a follow up will be done at least once a month thereafter until a final decision is reached.
- 14.0.0.5 Where the decision is to recruit to the position, the policy and procedures for Recruitment and Selection will be followed.
- 14.0.0.6 In the case of a vacancy in the Band Manager position, Council will appoint an acting incumbent to assume those duties within five (5) working days of the vacancy.

NOTE: Council will decide whether the recruitment of Management positions should be delegated to the Band Manger.

14.0.2 PRESERVATION & MANAGEMENT OF FISH & GAME

The Council of the Okanagan Indian Band of Indians at a meeting held the fourth day of October 1956 makes the following by-law pursuant to paragraph (o) and ® of Section 80 of the Indian Act.

A by-law to provide for the preservation, protection, and management of fish and game in the Okanagan Indian Reserve in the Province of British Columbia.

FISHING

1. No person, other than a member of the Band, shall be permitted to fish or carry fishing equipment in the reserve without first obtaining a written permit to do so from the person authorized by the Council to grant such permission.
2. Permits may be obtained only on production of a valid and subsisting British Columbia Provincial License, if such is required by the person to applying, to fish within the Province of British Columbia.
3. Such permit shall be subject to a fee established from time to time by resolution of the Council of the Band.
4. Angling, open and close seasons, coarse fish, game fish, resident, total length, and all other matters not specifically mentioned in this by-law shall be as provided in the Special Fishery Regulations for the Province of British Columbia.

HUNTING

5. No person other than a member of the band shall be permitted to hunt or carry hunting equipment in the reserve without first obtaining a written permit to so do from the person authorized by the Council to grant such permission.
6. Permits to hunt may be obtained only on production of a valid and subsisting British Columbia license.
7. Such permits shall be subject to a fee established from time to time by resolution of the Council of the Band.

8. Open seasons, bag limits, possession limits, and all other matters with respect to hunting not provided for in this by-law shall be, with respect to ducks, as set out in the regulations for the Province of British Columbia made under authority of the Migratory Birds Convention Act, and with respect to other game, as provided in the regulations made under the British Columbia Game Act for the contiguous provincial lands.

ENFORCEMENT

9. The Chief and Councilors of the Band, Indian Constables, and any other person or persons named by the Council shall be ex-officio officers for the enforcement of by-law.
10. Any officer for the enforcement of this by-law shall forthwith seize all game or fish or game protected by this by-law, which:
- a. Is found by him in possession of any person, other than a member of the Band, who is not in possession of a permit under Section 2 or 6 of this by-law;
 - b. Appears to have been taken by some unlawful means; and shall bring such game or fish or hunting or fishing equipment before a police magistrate, stipendiary magistrate, or person appointed by the Governor in Council to be a justice of the peace for offenses under the Indian Act.
11. Where a person is convicted of an offense under this by-law, the convicting court or judge may order that the game, fish in addition to any _____, are forfeited to Her Majesty for the benefit of the Band provided, however, that the meat or fish so forfeited shall be delivered to a charitable institution designated by the Council.

PENALTIES

12. any person who violates the provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days, or both fine and imprisonment.

Signed in the presence of:

_____ D.M. Hett

_____ Pierre Louis
Chief

Ed Bonneau
Councilor

L. Lewis
Councilor

Dan Logan
Councilor

14.0.3

GARBAGE & WASTE – CONTENTS

14.0.3.1 PREAMBLE

14.0.3.1.1 The Band council of the Okanagan Indian Band desires to establish a bylaw governing the disposal of garbage and waste on the reserves of the Okanagan Indian Band and to prohibit certain uses of land within the reserves of the Okanagan Indian Band which it deems harmful or potentially harmful to the health of the residents on the reserves; and

14.0.3.1.2 The Band council is empowered to make a bylaw governing the health of residents, and any matter ancillary thereto and the imposition of the penalty for the violation thereof pursuant to Section 81(1)(a),(g),(q) and (r) of the Indian Act, S.C. 1985 and amendments thereto.

14.0.3.1.3 The purpose of this bylaw is to:

- a. Establish and maintain a system to collect, remove, and dispose of garbage and waste, both residential and commercial on the reserves of the Okanagan Indian Band;
- b. To compel persons to make use of a system established herein to dispose of garbage and waste and prescribe the terms and conditions in which person make use of the system
- c. To establish a scale of charges payable for the removal to a disposal ground or grounds of garbage and waste, and for compelling payment of the charges so fixed, and for imposing penalties when neglecting to remove garbage and waste;
- d. To enter contracts with a person or persons for all or part of the collection, removal, and disposal of garbage and other waste on terms and conditions prescribed herein.
- e. To generally provide for the health and safety of those persons residing on the reserves of the Okanagan Indian Band.

NOW THEREFORE THE BAND COUNCIL OF THE OKANAGAN INDIAN BAND HEREBY ENACTS AS A BYLAW THE FOLLOWING:

14.0.3.4 INTERPRETATION

14.0.3.4.1 REPEAL OF BYLAW NUMBER 3

The Okanagan Indian Band “Disposal of Garbage and Waste Bylaw Number 3” is hereby repealed.

14.0.3.4.2 TITLE

The bylaw may be cited as “The Okanagan Indian Band Garbage and Waste Disposal Bylaw Number _____”.

14.0.3.4.3 HEADINGS

The headings of divisions and sections in this bylaw have been inserted as a matter of convenience and for reference only and in no way define, limit, or enlarge the scope or meaning of this bylaw or any of its provisions.

14.0.3.4.4 DEFINITIONS

All words and phrases used in this bylaw shall have the normal meaning or common meaning except where the same is changed, modified, or expanded by the definitions as set forth in this bylaw. The following terms wherever used in this bylaw or in any resolution that the Band Council pass relating to this bylaw shall have the meanings respectively ascribed to them in this section unless the context otherwise requires:

- a. “**Band Council**” means the Council of the Okanagan Indian Band, within the meaning of Section 2 of the Indian Act, S.C. 1985;

- b. **“Band Member”** means any member of the Okanagan Indian Band;
- c. **“Collector”** means the person appointed to such position by the Band Council to receive revenues, fees, and charges due to the Okanagan Indian Band under the terms of this bylaw;
- d. **“Commercial Premises”** shall mean a building or self-contained part thereof, occupied and used for other than a dwelling, including but not restricted to stores, eating places, wholesale or retail business places, and offices;
- e. **“Demolition Materials”** includes any wood, glass, rock, concrete, metal, plastic, insulation, asphalt, or any other material from the demolition of buildings or any other works;
- f. **“Disposal Grounds”** shall mean the site or sites owned and operated by the North Okanagan Regional District, or any other site or sites designated by the Band Council, for the purpose of disposing or dumping of all Garbage Waste and other form of refuse;
- g. **“Garbage”** shall mean and include any and all household refuse including, discarded, rejected, or abandoned matter or animal food, floor sweepings, crockery glass, or metal-ware having contained food, grass, or hedge clippings, or other garden refuse or rubbish, demolition materials, fill materials, waste and anything else of any nature which is or may become offensive or prejudicial to the health or to the

public safety or deleterious to the quality of the environment but shall not include Hazardous Substances or Special Waste;

- h. **“Hazardous Substance”** shall mean any contaminant, pollutant, dangerous substance, liquid waste, industrial waste, hazardous material or hazardous substance the use in disposal or transportation of which is at any time controlled, regulated, or restricted pursuant to any law, regulation, or order of the Federal or Provincial Government or of any Federal or Provincial body or agency that would then apply to or in respect of the residential or commercial premises or any business or activity carried on at the premises and without limiting the generality of the foregoing shall include any substance that:
1. is defined as Special Waste pursuant to the Special Waste Regulation of the Waste Management Act, S.B.C. 1982, Chapter 41;
 2. included in the list of Toxic Substances in Schedule I to the Canadian Environmental Act, S.C. 1988, Chapter 22; or
 3. Defined as Dangerous Goods in Section 2 of the Transportation of Dangerous Goods Act, R.S.C. Chapter T-19, all as amended from time to time.
- i. **“Interests”** includes any lawful right of possession through lands on the

reserve held pursuant to a permit, a certificate of occupation or possession, a lease, or pursuant to any other lawful claim of right;

- j. **“Owner”** shall mean the owner of the any land and any apparent occupier of premises both commercial and residential and shall mean any person to whom a garbage and waste collection service is rendered;
- k. **“Person”** shall in addition to its ordinary meaning include a firm or partnership, company, or corporation, and the singular shall be held to mean and include the plural and the masculine, the feminine or body corporate where the context so requires;
- l. **“Recyclables”** shall mean glass, bottles, newsprint, corrugated cardboard, ledger paper, and letter paper;
- m. **“Residential Premises”** shall mean the individual dwelling units within single family dwellings, duplexes, triplexes, four-plexes, and individually serviced units of apartments or condominiums
- n. **“Public Works Manager”** shall mean the Public Works Manager of the Okanagan Indian Band or any other official of the Okanagan Indian Band for the time being authorized to carry out the duties and services ascribed to the Public Works Manager under the provisions of this bylaw;
- o. **“Reserve”** shall mean the whole of the lands of the Okanagan Indian Band including Okanagan Indian

Reserve Number 1, Otter Lake
Indian Reserve Number 4, Priest's

- p. **"Okanagan Indian Band"** means the Okanagan Indian Band of Indians within the meaning of Section 2 of the Indian Act, S.C. 1985;
- q. **"Special Waste"** is as defined in the Waste Management Act, S.B.C. 1982, chapter 41;
- r. **"Waste"** is as defined in the Indian Reserve Waste Disposal Regulations as prescribed under the Indian Act, S.C. 1985.

14.0.3.4.5 SEVERABILITY

In the event that any section or sections of this bylaw are found by a Court of competent jurisdiction to be invalid, such section or sections shall be severed and the remaining sections shall remain in full force and effect.

14.0.3.5 DISPOSAL GROUNDS

The Band Council hereby establishes the site or sites owned and operated by the North Okanagan Regional District, Central Okanagan Regional District and Columbia Shuswap Regional District and subject to any agreement between the Okanagan Indian Band and the North Okanagan Regional District, Central Okanagan Regional District, and Columbia Shuswap Regional District and from time to time any site on the Reserve for which a permit has been issued by the Minister of Indian Affairs and Northern Development to the Okanagan Indian Band for the operation of a Garbage Dump pursuant to the Indian Reserve for the disposed of Garbage and Waste from the Reserve pursuant to the taxes of this bylaw.

All persons making use of the disposal Grounds shall pay a fee to the Band as prescribed from time to time by the Band Council.

The disposal grounds shall not be used for the disposal of:

- a. Special Waste;
- b. Hazardous Materials
- c. Automobiles or Farm Implements;
- d. Septic Waste.

The Band Council may by resolution provide for the waiver of disposal fees assessed hereunder.

The disposal grounds if operated on the reserve shall be operated according to the provisions of the Indian Reserve Waste Disposal Regulations.

In the event that the disposal grounds are located on the reserve, it shall be unlawful for any person to retrieve from the disposal grounds any garbage, waste, automobile bodies, or parts or any other thing which may have been in such disposal grounds and it shall be unlawful for any person to light or cause to be lit a fire with a view to burning anything which may have been deposited in such disposal grounds unless that person is lawfully carrying out his duties as an employee or agent for the Band Council.

14.0.3.6 COLLECTION SYSTEM (RESIDENTIAL)

The Band Council hereby establishes a system to collect; remove, and dispose of garbage that is household refuse from residential property.

The Band Council will deliver or cause to be delivered by hand or ordinary mail to every residential premises on the reserve an annual schedule of household refuse, collection from those premises not less than 7 days prior to the commencement of the aforesaid schedule. If the owner of any residential premises has not received the aforesaid schedule, they may obtain a copy of the Band offices at _____.

The owner or occupier of each residential premises shall place or cause to be placed on the scheduled collection day in a location designated by the Public Works Manager, all receptacles and containers of household refuse no earlier than 5:00 p.m. on the day before the collection date and no later than 7:30 a.m. on the collection date.

When the containers have been emptied by the Band or it's agent, the owner shall return them to his property no later than the expiry of the collection date.

The receptacle for residential premises shall be as follows and provided by the owner:

- a. A metal, wooden, or plastic garbage container;
- b. It must be in good condition;
- c. It must have a watertight, animal, and insect proof lid;
- d. It must have rigid handles which permit ease of handling;
- e. It must have total weight of each not to exceed 50 lbs;
- f. The size of each not to be more than three and one-half cubic feet;

All receptacles are subject to final approval by the Band Council or it's agents.

Each residential premise shall be allowed a maximum of 2 receptacles or as established by Band Council at each regular pickup for the normal fee prescribed and any additional container shall be charge as additional fee.

14.0.3.7 COLLECTION SYSTEM (COMMERCIAL)

The Band Council hereby establishes a system to remove and dispose of garbage from commercial premises.

The Band Council will arrange with each owner of commercial premises for the collection of garbage from their commercial premises through the offices of the Public Works Manager.

The owner of each commercial premises shall provide a receptacle or receptacles for the placement of garbage and waste from the commercial premises in the form authorized by the offices of the Public Works Manager or Band Council.

Failing agreement with the Public Works Manager as to the location of receptacles, type of receptacles, frequency of collection, exclusion of items which are not permitted to be placed on the disposal grounds, apportionment of fees between commercial premise owners that share receptacles, or any of the above, the Band Council shall, after hearing from the disputing owner and the Public Works Manager settle the item or items in dispute.

All commercial garbage or waste from commercial premises shall be disposed of by each owner of commercial premises through the Band's collection system.

14.0.3.8 COLLECTION OF SPECIAL WASTES

No persons shall keep at or keep on the reserve special wastes or hazardous substances or allow any other person to bring any special wastes or hazardous substances onto or keep on any land within the reserve in which that person has an interest without the consent of the Band Council and the issuance of a permit by the Minister of Indian Affairs and Northern Development pursuant to the Indian Reserve Waste Disposal Regulations.

14.0.3.9 COMPULSION

Every owner of residential property shall use the system established in this bylaw to dispose of household garbage and waste or some exemptions has been provided in writing by the Band Council or the Public Works Manager.

Every owner of commercial premises shall use the system established in this bylaw to dispose of commercial garbage and waste.

Every person shall dispose of special wastes and hazardous substances in accordance with the Waste Management Protection Act, S.C. 1988, Chapter 22 and the Indian Reserve Waste Disposal Regulations.

14.0.3.10 GENERAL

No person shall throw, pile, place, or cause to be thrown, piled, or placed any refuse, garbage, or waste upon any street, lane, or alley within the reserve or upon private property, or other property within the reserve without the permission of the owner thereof, the Band Council or Public Works Manager in accordance with the terms of this bylaw and the Indian Reserves Waste Disposal Regulations.

14.0.3.11 FEES AND CHARGES

The Band Council may from time to time establish a schedule of fees and charges for the services of garbage and waste collection upon the reserve.

14.0.3.12 CONTRACTS FOR COLLECTION

The Band Council may enter into a contract or contracts with a person or persons for the collection, removal, or disposal of garbage and waste from residential and commercial premises located on the reserve.

14.0.3.13 OFFENCES AND PENALTIES

Any person who violates and provision of this bylaw is guilty of an offence and punishable on summary conviction and is liable to a fine not exceeding \$1,000.00 or imprisonment not exceeding 30 days or both.

Every person who violates any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be Guilty of an Infraction thereof and liable to the penalties hereby imposed.

14.0.3.14 EXCEPTIONS

Any person who does not require the services provided under this bylaw may apply to the Band Council and have the charges waived as imposed by this bylaw. The Band Council may allow the application or set limits as to the period of time that they will allow a waiver of the charges imposed under this bylaw.

Nothing in the bylaw makes it unlawful for any person who is licensed or authorized by Band Council to collect and remove for a fee from any person, construction, or demolition material, fill material, and scrap from property on the reserve.

APPROVE AND PASSED AT A DULY CONVENED MEETING OF THE BAND COUNCIL OF THE OKANAGAN INDIAN BAND AT WHICH A QUORUM OF THE COUNCILORS OF THE BAND ARE PRESENT AND VOTING IN FAVOR OF THIS BYLAW, THIS _____ DAY OF _____, _____.

This bylaw is consented to by the following members of the Band Council:

CHIEF

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Councilor

Being the majority of those members of the Council of the Okanagan Indian Band present at the aforesaid meeting of the Band Council.

A Quorum of Band Council is set at _____ Members.

I, _____, Chief Councilor of the Okanagan Indian Band, do hereby certify that a true copy of the foregoing bylaw was forwarded to the Minister of Indian Affairs and Northern Development pursuant to subsection 82 (1) of the Indian Act, this _____ day of _____, _____.

Signed in the presence of:)	
)	
_____)	
Witness)	
)	
_____)	_____
Address)	Chief/Councilor
)	
_____)	
Address)	
)	
_____)	
Occupation)	

AMENDMENT OF
“DISPOSAL OF GARBAGE AND WASTE”

BYLAW NUMBER 3

WHEREAS:

The existing penalties in the Okanagan Indian Band “Disposal of Garbage and Waste” Bylaw Number 3 are an insufficient deterrent.

NOW THEREFORE THE BAND COUNCIL OF THE OKANAGAN INDIAN BAND HEREBY AMENDS “DISPOSAL OF GARBAGE AND WASTE” BYLAW NUMBER 3, PURSUANT TO SECTION 81 OF THE INDIAN ACT, RSC 1985 CHAPTER I-5, AS FOLLOWS:

Repealing section (e), and replacing with:

- (e) Any person who violates any of the provisions of this bylaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding One thousand dollars (\$1,000.00) or imprisonment for a term not exceeding thirty (30) days, or both fine and imprisonment.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE BAND COUNCIL OF THE OKANAGAN INDIAN BAND AT WHICH A QUORUM OF THE COUNCILORS OF THE BAND ARE PRESENT AND VOTING IN FAVOUR OF THIS BYLAW, THIS 25TH DAY OF MAY 1992.

THIS BYLAW CONSENTED TO BY THE FOLLOWING MEMBERS OF THE BAND COUNCIL.

Albert Saddleman
Chief

Dan Wilson
Councilor

Molli Bonneau
Councilor

Byron Louis
Councilor

Lyle Brewer
Councilor

Ed Fred
Councilor

Pamela Louis
Councilor

Russell Williams
Councilor

14.0.4 CONSTRUCTION, MAINTENANCE & REGULATION OF SEWER SYSTEM

WHEREAS the Council of the Okanagan Indian Band deems it expedient to enact a bylaw for the purpose of constructing, maintaining, and regulating a waterworks system on the Reserve of the Band.

AND, whereas paragraphs (81 (l), (a), (f), (q), and (r) of the Indian Act, R.S.C. 1985, c. 1-5 (the "Act), empower the Council of a Band to make bylaws to provided for the health of residents, the construction, and maintenance of watercourses, roads, bridges, ditches, fences, and other local works, the construction and regulation of the use of public wells, cisterns, reservoirs, and other water supplies, with respect to any matter arising out of or ancillary to the exercise of powers under Section 81, and the imposition on summary conviction of a fine or imprisonment for violation thereof;

14.0.4.1 SHORT TITLE

This bylaw may be referred to as the "Okanagan Indian Band Sanitation Bylaw"

14.0.4.1.1 PURPOSE

To provide standards of Sanitation and Public Health within the lands.

14.0.4.1.2 DEFINITION

All words and phrases shall have their normal or common meaning except where the same is changed, modified, or expanded by the definitions as set forth in this bylaw.

14.0.4.1.3 BASIC PROVISIONS

- a) Subject to the *Health Act* of the Province of British Columbia, the Council of the Okanagan Indian Band shall regulate and enforce the requirements as set out in this bylaw.
- b) This bylaw shall apply to all premises, dwellings and real property within the lands.

14.0.4.2 GENERAL DEFINITIONS

“I.R. # 6” means Indian Reserve # 6 of the Band.

“City” shall mean the Corporation of the City of Vernon.

“Inspector” shall mean and include the City Engineer or person or persons appointed by him to fulfill and carry out the duties of “Sanitary Inspector” for the City of Vernon and/or the North Okanagan Health Unit and its Sanitary Inspectors and such other person designated by Council.

“Lands” means:

- a. Any interests of a person in lands located within I.R. # 6 (the “Reserve”) and any right or rights of a person in respect of the use of lands located within the Reserve including, but without limiting the generality of the foregoing, any:
 - i. Unallotted lands in Reserve,
 - ii. Right to those of lands in Reserve under subsection 19(2) of the Act;
 - iii. Right to occupy or use or otherwise exercise rights in lands in Reserve under section 28 of the Act;
 - iv. Use of lands with the consent of the Governor in Council under Section 35 of the Act;
 - v. Right to use lands under a lease of lands surrendered for the purpose of leasing under the Act;
 - vi. Right to use lands under a lease granted under Section 58 of the Act; and
 - vii. Right to use lands under any other arrangement, including a bakshee lease, together with:
- b. All premises existing on any interest in the lands at the date of the making of this bylaw or thereafter made or erected;

“Occupant” and **“Occupier”** includes any person occupying the lands or any person having a legal right to occupy the lands.

“Premises” includes any structure at which water is used within the Reserve and whether erected in, on under or affixed to th land on the Reserve and whether directly or indirectly or by means of rafts, floats, docks, or other floating structures or devices, and without restricting the generality of the foregoing, includes any single-family dwelling, multiple-family dwelling, boarding house, cabin, trailer, duplex, suite, apartment, store, bank, office, building, garage, motel, hotel, coffee shop, drive-in, Laundromat, school, sawmill, cannery, packing plant, shopping center, recreation facility, arena, extended care facility, day-care facility, and public utility;

“Pro Forma Servicing Agreement” means the Pro Forma Servicing Agreement adopted by Council on January 13, 1997 and attached as Schedule “A” to this bylaw.

“Sewered Area” shall mean and include all lands within the boundaries of I.R. # 6 served by or reasonably capable of being served by a sanitary sewer and shall include all areas within I.R. # 6 that are not sewered areas, but which become sewered areas after the date of this bylaw, as and when such areas become sewered areas.

For the purposes of this bylaw, all titles, words, and terms defined in the *Health Act* and the Sanitary Regulations of the Province of British Columbia shall bear the same meaning and interpretation throughout this bylaw, as set out in the said Regulations and *Health Act*.

14.0.4.3 TOILET FACILITIES – DOMESTIC

It shall be the duty of every Occupier of every house, apartment, pr place where the public do, or may, gather within the lands to provide for the Occupants and employees adequate toilet facilities.

- a. Any premises served by a septic tank which conforms with the provisions of this bylaw, prior to the installation of a sewer main to which such premises are capable of being connected, may continue to be serviced by such a tank up until the expiration of six (6) months from the date of which such sewer main was constructed and authorized for use, or in accordance with the Regulations of the *Health Act*, shall connect to the said sewer main under the terms and conditions of the Pro Forma Servicing Agreement unless specifically exempted in writing by the Council.
- b. All premises constructed or commenced to be constructed on the lands after passage of this bylaw shall be connected with such sewer main prior to the use or human occupation of such premises.
- c. Where a sewer main is proposed or under construction, no septic tank shall be constructed on, or connected with any premises on, or being erected on, any parcel of land reasonably capable of being connected with such sewer main or sewer main under construction, save for such temporary septic tank as may be specifically authorized by permit by Council. Each such temporary septic tank shall be removed within thirty (300 days after the date on which such sewer main is authorized for use.

14.0.4.3.1 TOILETS – WATER FLUSHED

There shall be no toilet in a building containing sleeping, eating, or other living accommodations unless such toilet is water flushed, and unless otherwise approved by the Medical Health Officer.

14.0.4.3.2 SEWER CONNECTIONS

After the passing of this bylaw, no waste disposal system shall be established or constructed which does not connect with the public system of sewerage. The Council may impose conditions on the

connection to the sewerage system, including without limitation, on the parties entering into the Pro Forma Servicing Agreement.

14.0.4.3.3 WELLS

- a. If the inspector, after due examination, certifies to Council that any well is unsafe or constitutes a danger to health, then Council may order the use of such well to be discontinued forthwith and may order the well to be filled in.
- b. Should any Occupier to whom such order is directed fail to comply with such order within the time limited in the notice of such order served upon him or delivered to him, the Council shall cause the terms of the order to be complied with and shall recover the expenses thereby incurred from such Occupier.
- c. No well shall be used as a privy, privy vault, cesspit or septic tank.

14.0.4.3.4 WELLS – HEALTH HAZARD

In every case where the Inspector certifies that the water from any well, spring, or other supply is unfit for human consumption, then the use of such water shall be discontinued forthwith, and no person shall use or permit to be used such water unless and until the Inspector certifies the same to be fit for human consumption.

14.0.4.3.5 DAMAGED OR DILAPIDATED BUILDINGS

- a. Any condition which, in the opinion of the Inspector is or may become injurious or dangerous to health, or prevent or hinder in any manner the suppression of disease, or is indecent or offensive to the senses,

or an obstruction to the free use of the property so as to interfere with the comfortable enjoyment of life or property by the community at large or by two or more persons, and any premises in a damaged or dilapidated condition so as to constitute a hazard or a danger to persons or property of the Occupants of such premises, if any, or to children or other members of the public at large, shall be deemed a nuisance within the meaning of this bylaw.

b. Every person causing or abetting a nuisance shall be guilty of an offence against this bylaw.

c. Written Notice

Council may, by notice in writing, require any person causing or abetting a nuisance to abate the nuisance within the time specified in the notice, and in default, Council may cause such nuisance to be abated and may recover the cost of abatement for such person.

14.0.4.3.6 NOTICE OF REMEDY

If the Inspector, after due examination, certifies to the Council that any premises or any portion of any premises are unfit for human occupancy or a nuisance or dangerous to the public, Council may give notice in writing requiring the Occupier to remedy such condition, and if such condition is not remedied within the time specified in the notice, the Council may give notice in writing to the occupiers to quit the premises on or before a date to be specified in such notice.

14.0.4.3.7 COMPLY WITH NOTICE

- a. Every person who fails to comply with the terms of any notice given pursuant to the provisions of this bylaw thereby commits an offence against this bylaw.
- b. If any person should fail or neglect to comply with the terms of any notice directed to him under the terms of this bylaw, then Council may cause the offending condition to be rectified and may recover the cost of such rectification from such person.
- c. Should any person fail or neglect to quit any premises within the time limited in any notice requiring such person to quit pursuant to this bylaw, Council may cause such person to be removed from such premises until the Inspector has certified that such premises conform to the provisions of this bylaw.
- d. Where any premises or portion thereof are certified by the Inspector as unfit for human occupancy, then the Inspector shall give notice of such certification to the Occupier of such premises, and shall place or cause to be placed in a conspicuous place on or about such premises a copy of such notice or a notice stating that such premises are unfit for human habitation.

14.0.4.4 OUTDOOR PRIVIES

From and after the date of this bylaw, and except as specifically provided by written permission of the Band Council, no person shall suffer or permit any outdoor privy to be erected, used, or maintained in an Sewered Area within the lands, and all outdoor privies presently existing on such lands or hereafter erected

on such lands shall be removed or dismantled and the pits filled in by the Occupier.

14.0.4.5 SEWAGE DISPOSAL

Regulations governing sewage disposal shall in all respects conform to the requirements of the *Health Act* and all amendments thereto.

14.0.4.6 PENALTIES

Any person guilty of any infraction of this bylaw shall on summary conviction, be liable to a fine of not more than one thousand dollars (\$1,000.00) and costs for each offense.

This bylaw is hereby made at a duly convened meeting of the Council of the Okanagan Indian Band this 27th day of January, 1997.

Voting in favor of the bylaws are the following members of Council:

Albert Saddleman

Russell Williams

R. Marchand

Gary Bonneau

Byron Louis

Gradin Alexis

Phyllis Bonneau

Emery Robins

Tim Alexis

Being the majority of those members of the Council of the Okanagan Indian Band present at the aforesaid meeting of the Council. The quorum of the Council is 5 members; the number of members of the Council present at the meeting is 8.

I, Albert Saddleman, Chief/Councilor of the Okanagan Indian Band, do hereby certify that a true copy of the foregoing bylaws was mailed to the Minister of Indian and Northern Development at the District/Regional/Hull offices (as the case be) pursuant to Subsection 82(1) of the *Indian Act*, this 27th day of January, 1997.

Jennifer Louis
Witness

Albert Saddleman
Chief/Councilor

14.0.5 CONSTRUCTION, MAINTENANCE & REGULATION OF WATER SYSTEM

WHEREAS the Council of the Okanagan Indian Band deems it expedient to enact a bylaw for the purpose of constructing, maintaining, and regulating a waterworks system on the Reserve of the Band.

AND, whereas paragraphs 81 (l), (a), (f),(l),(q), and (r) of the *Indian Act*, R.S.C. 1985, c. 1-5 (the "Act"), empower the Council of a Band to make bylaws to provide for the health of residents, the construction, and maintenance of watercourses, roads, bridges, ditches, fences, and other local works, the construction and regulation of the use of public wells, cisterns, reservoirs, and other water supplies, with respect to any matter arising out of or ancillary the exercise of powers under Section 81, and the imposition on summary conviction of the fine or imprisonment for violation thereof;

NOW, therefore, the Council of the Okanagan Indian Band enacts as a bylaw thereof as follow:

14.0.5 GENERAL PROVISIONS

14.0.5.1.1 SHORT TITLE

This bylaw may be cited as "The Okanagan Indian Band Water Bylaw".

14.0.5.1.2 INTERPRETATION

In this bylaw:

"Act" means the Indian Act, R.S.C. 1985, c. 1-5

"Band" means the Okanagan Indian Band.

"Connection line" means any pipe or other device conveying water from the waterworks system or some other source of water to lands.

“Council” means the Council of the band.

“Fee Schedule” means that schedule of fees attached as Schedule “A” to this bylaw and forming a part hereof.

“Lands” means any interest of a person in lands located within I.R. #6 (the “Reserve”) and any right or rights of a person in respect of the use of lands located within the Reserve including, but without limiting the generality of the foregoing, any;

- i. Unallotted lands in Reserve;
- ii. Right to the use of lands in Reserve under Subsection 18(2) of the Act;
- iii. Right to occupy or use or otherwise exercise rights in lands in Reserve under section 28 of the Act;
- iv. Use of lands with the consent of the Governor in Council under Section 35 of the Act;
- v. Right to use lands under a lease of lands surrendered for the purpose of leasing under the Act;
- vi. Right to use lands under a lease granted under Section 58 of the Act; and
- vii. Right to use lands under a lease granted under Section 59 of the Act; and
- viii. Right to use lands under any other arrangement, including a bakshee lease.

Together with:

All premises existing on any interest in the lands at the date of the making of this bylaw or thereafter made or erected.

“Occupant” includes any person occupying premises on any lands and in the event that there is more than one such occupant, includes all occupants who are occupying those premises;

“PW Supervisor” means the Public Works Supervisor of the Okanagan Indian Band appointed from time to time by the Council of the Okanagan Indian Band, or his authorized representative.

“Person” includes any individual proprietorship, company, partnership, association, society;

“Premises” includes any structure at which water is used within the Reserve and whether directly or indirectly or by means of rafts, floats, docks, or other floating structures or devices, and without restricting the generality of the foregoing, includes any single-family dwelling, multiple-family dwelling, boarding house, cabin, trailer, duplex, suite, apartment, store, bank, office, building, garage, motel, hotel, coffee shop, drive-in, Laundromat, school, sawmill, cannery, packing plant, shopping center, recreation facility, arena, extended care facility, day-care facility, and public utility.

“Pro Forma Servicing Agreement” means the Pro Forma Servicing Agreement adopted by the Council of the Okanagan Indian Band on January 13, 1997 and attached as Schedule “B” to this bylaw.

“Waterworks System” includes all storage facilities, water mains, service pipes, standpipes, fire hydrants, meters, pumps, electrical fittings, taps, valves, and all other apparatus of any nature whatsoever maintained, used, or operated under authority of Council or the City of Vernon to deliver water to any lands, premises, standpipe, or fire hydrant located within the Reserve.

14.0.5.1.3 ALL OCCUPANTS LIABLE

Without limiting the generality of any provision of this bylaw, if more than one person falls within the definition of “occupant” given in Section 2, all such persons are jointly and

severally subject to all provisions of this bylaw in which the terms "occupant" is used.

14.0.5.2 SERVICE CONNECTIONS

14.0.5.2.1 No person shall construct or carry out any maintenance on or improvements to a connection line (other than emergency maintenance) unless he has first obtained the written consent of PW supervisor and has entered into the Pro forma Servicing Agreement.

14.0.5.2.2 A connection line shall:

- a. Be constructed from pipes and fittings which have received Canadian Standards Association approval;
- b. Be installed in conformity with good engineering and construction practice;
- c. Not exceed 20 millimeters in internal diameter unless otherwise permitted by the PW Supervisor.
- d. Not be less than one meter below the surface of the ground unless otherwise permitted by the PW Supervisor;
- e. Not be laid at the same level as or deeper than any sewer line serving the same lands, as does the connection line.

14.0.5.2.3

- a. All premises that are constructed on the lands after the enactment of this bylaw must be connected to the Waterworks System. The Council may impose conditions on how the premises are to be connected to the Waterworks System including entering into the Pro Forma Servicing Agreement.
- b. Any premises serviced by a connecton line that has not been

connected to the Waterworks system shall, within six months of the enactment of this bylaw, be connected to the Waterworks system unless the council has agreed to otherwise in writing.

- c. The occupant of the lands connected or to be connected to the Waterworks System shall connect or cause to be connected about his lands such taps, pipes, fittings, and fixtures to the connection lines as are necessary to control the flow of water within the lands in conformity with good engineering practice and as is required in the Pro Forma Servicing Agreement.
- d. The occupant of lands at which water conveyed from the Waterworks System is used shall repair, maintain, and keep repaired and maintained, all taps, pipes, fittings, and fixtures that have been laid, constructed, or installed for the purpose of conveying water from the Waterworks System within his lands.

14.0.5.2.4 No connection line shall be connected, or having been disconnected be reconnected, to the Waterworks System unless and until the PW Supervisor has inspected the connection line and determined that, in his opinion, the connection line meets every requirement of this bylaw and the Pro Forma Servicing Agreement.

14.0.5.2.5 Any connection, or having been disconnected, reconnected, of a connection line to the Waterworks System shall be carried out under supervision of the PW Supervisor or by such employees or agents of the Band as the PW Supervisor shall determine, and shall be carried out as soon as reasonably possible after the inspection provided for in this Section 8.

14.0.5.2.6 When the consent of the PW Supervisor, as the case may be, is required under this part, such consent shall be given when the connection line and related works are constructed in conformity with the provisions of this bylaw and the supply of water, water pressure, and the Waterworks System is adequate to service the needs of the person applying.

14.0.5.3 WATERWORKS SYSTEM

14.0.5.3.1 Other than as is specifically otherwise permitted by this bylaw and in the Pro Forma Service Agreement, no person shall open, shut, adjust, draw water from or tamper with any part of the Waterworks System.

14.0.5.3.2 No person shall at any time in any manner obstruct access to any hydrant, standpipe, valve, stopcock, or other fixture constituting part of or in any manner connected with the Waterworks System, and the PW Supervisor may order the removal of any such obstruction.

14.0.5.3.3 And the expense of such removal shall be charged to and be paid by the person in breach of this section, which payment shall be in addition to any penalty that may be imposed under this bylaw for breach of this section.

14.0.5.4 WORKS ON LANDS

14.0.5.4.1 No person shall at any time in any manner make, or permit to be made, any additional connection to this water system for the purpose of providing a building, or other structure, with water from this water system, except with the prior written consent of the PW Supervisor and only after entering into the Pro Forma Servicing Agreement.

14.0.5.4.2 The consent of the PW Supervisor required by Subsection (14.0.5.4.1) shall be given when the additional connection and related works are constructed in conformity with the provisions of

this bylaw and the supply of water, water pressure, and the Waterworks System is adequate to service the additional needs of the person applying.

- 14.0.5.4.3 No person receiving water from the Waterworks System shall connect his water system with an external source of water except with the prior written consent of the PW Supervisor and subject to the terms and conditions of the Pro Forma Servicing Agreement.
- 14.0.5.4.4 No person shall use, or permit the use of, a pump, or other device that will increase the pressure in any pipe that forms part of or is connected to the Waterworks System, except with the prior written consent of the PW Supervisor.
- 14.0.5.4.5 No device to introduce a chemical or other substance into a pipe or other apparatus that forms part of or is connected to the Waterworks System shall be installed anywhere, except with the prior written consent of the PW Supervisor.
- 14.0.5.4.6 Every occupant of residential premises shall supply the premises with sanitary facilities that, in the opinion of the PW Supervisor, conform with all standards of the Department of Health and Social Development of the Province of British Columbia.

14.0.5.5 USE OF HYDRANTS, STANDPIPES, AND VALVES

Other than is specifically otherwise permitted in this bylaw and in the Pro Forma Servicing Agreement, no person other than the PW Supervisor, persons acting under the direction of the PW Supervisor, a member of the Okanagan Indian Band volunteer Fire Department carrying out his appointed duties, a person acting under the authority of the Fire Chief while assisting in suppression of a fire or a person requiring emergency use of water to suppress a fire, shall open or draw water from any standpipe, hydrant, or valve which is a

part of the Waterworks System unless he has first obtained the written consent of the PW Supervisor.

14.0.5.6 CHARGES AND METERING

- 14.0.5.6.1 The occupant of premises to which water is conveyed from the Waterworks System shall pay to the Band a monthly fee as prescribed in the Fee Schedule unless the Band, as presented by its Council, has agreed to some other arrangement.
- 14.0.5.6.2 Where at any time in the opinion of the PW Supervisor the quantity of water, or the rate at which it is being drawn from the Waterworks System by a person is in excess of that contracted for, the PW Supervisor may take such measure as he deems necessary to limit the quantity or rate of supply of water to the lands and premises of that person.
- 14.0.5.6.3 Without limiting the generality of subsection (14.0.5.6.2) the measures referred to therein may include the installation of a meter, partially closing the controlling curb stop or standard waterworks valve, regulating the rate and time at which water may be used, and establishing such special charges as Council from time to time may determine for water used in excess of a stipulated quantity or rate.
- 14.0.5.6.4 If the Fee Schedule is at any time amended, the amounts payable pursuant to the Part shall be altered in accordance with such amendment without notice to any person.

14.0.5.7 WATER USE PROHIBITIONS

- 14.0.5.7.1 No person shall:
- a. Sell or otherwise dispose of water through a connection line, or
 - b. Permit water supplied to him through a connection line to be taken away or applied

for the benefit of any other person or lands, except with prior written consent of the Band except with prior written consent of the PW Supervisor.

- 14.0.5.7.2 Except as otherwise specifically permitted in this bylaw, no person shall use water for watering stock, filling of swimming pools or reservoirs, or for any other purpose other than normal domestic use, except with prior written consent of the PW Supervisor.
- 14.0.5.7.3 Any consent granted by the PW Supervisor under Subsection (14.0.5.7.2) shall specify the purpose, time of use, quantity of water permitted to be used, any charges for such use and any special works required to be installed by the use before commencing such use.
- 14.0.5.7.4 The PW Supervisor may terminate or withdraw any consent granted by it under Section 14.0.5.7.1 or 14.0.5.7.2 at any time upon providing prior written notice to the occupant.
- 14.0.5.7.5 Council may at any time and from time to time introduce restrictions on the use of water for sprinkling or any other purpose and upon notice of such restrictions being on the Band bulletin board at the Band Administration offices and upon being advertised by way of local media, no person shall use water for those purposes prohibited by or in excess of any limits imposed by, such restrictions.
- 14.0.5.7.6 Notwithstanding anything to the contrary elsewhere contained in this bylaw, no person shall, without the prior consent of the PW Supervisor:
- a. Use water for sprinkling in excess of reasonable requirements.
 - b. Use more than two outlets at one time for sprinkling purposes, neither of which said outlets shall exceed 20 millimeters in internal diameter.

- c. Use an outlet exceeding 20 millimeters in internal diameter for sprinkling water;
- d. Use an open pipe or hose for sprinkling purposes; or
- e. Irrigate land, inclusive of the area of land occupied by the premises.

14.0.5.8 RIGHT OF ACCESS

- 14.0.5.8.1 Council and employees and agents of the Band acting under the direction of Council or the PW Supervisor shall have the right of access to all lands at all reasonable hours for the purpose of inspecting or testing any works, fittings, or appliances related to the use of water, or for the purpose of installing, removing, repairing, reading, or inspecting water meters.
- 14.0.5.8.2 No person shall obstruct or prevent any member of the Council or any employee or agent of the Band from carrying out any of the provisions of this bylaw.

14.0.5.9 LIABILITY OF THE BAND AND COUNCIL

- 14.0.5.9.1 The PW Supervisor may, for the purpose of repairing, maintaining, adding to, or extending the Waterworks System, shut off the water supply anywhere within the Reserve for such a period of time as he considers necessary.
- 14.0.5.9.2 Where the PW Supervisor shuts off the water supply pursuant to Subsection (14.0.5.9.1) for less than an hour, or where an emergency arises, no notice to the occupant is required to be given.
- 14.0.5.9.3 If it is anticipated that water service is to be interrupted pursuant to Subsection (7.0.5.9.1) for more than four consecutive hours, notice shall be given to those water users likely to be affected, provided that no notice of disruption in water service shall be required in the event of any emergency or unanticipated conditions affecting the Waterworks System.

14.0.5.9.4 Neither the Band, the Council, any member of Council or any employee or agent of the Band shall be liable for any damages to any property or person in any way relating to or arising out of any:

- a. Interruption in the provision of water;
- b. Variation in or inadequacy of water pressure;
or
- c. Inadequate quality of water.

14.0.5.9.5 if at any time Council deems it to be in the interest of the Band, it may direct that any water service be reduced or discontinued until such time as Council deems it advisable to restore such service.

14.0.5.10 NO OBLIGATION TO SUPPLE WATER

Nothing in this bylaw shall obligate the Band or the council to supply water to any person when the cost of extending the Waterworks System to that person's lands would, in the opinion of the Council, create an excessive financial burden upon the Band, unless such person is prepared to pay the Council the costs of extending the Waterworks System to his lands and provide such extension to the Waterworks System is of sufficient capacity to provide for further services to lands of persons other than the person requesting the supply of water.

14.0.5.11 SALE OF WATER OFF RESERVE

14.0.5.11.1 The Council may enter into agreements for the purpose of purchasing or selling water off reserve.

14.0.5.11.2 Such agreements shall be subject to the provisions of this bylaw.

14.0.5.11.3 Without restricting the foregoing, such agreements shall provide for the recovery of capital costs and operating expenses of the Band Waterworks System.

14.0.5.11.4 In the absence of any such agreement, the Band is under no obligation to sell or supply water to any person off reserve or to continue such water service as may exist at the time of coming into force of this bylaw.

14.0.5.11.5 The Council may, when water is supplied from the Band Waterworks System to a person off-reserve through a connection located on-reserve, levy a monthly or annual charge, as the case may be, to such person for continued access to the Band Waterworks System.

14.0.5.11.6 All charges levied pursuant to Subsection 14.0.5.11.5 may provide for the recovery of capital costs and operating expenses of the Band Waterworks System, and may be levied notwithstanding that no agreement may have been made pursuant to Subsection 14. 0.5.11.1.

14.0.5.11.7 All charges levied pursuant to any agreement made under Subsection 15.0.5.11.1, or charges levied pursuant to Subsection 14.0.5.11.5, shall be paid within thirty (30) days of the receipt of an invoice for such charges by the person responsible for the payment thereof.

14.0.5.12 POLLUTION

14.0.5.12.1 No person shall pollute any reservoir from which water is conveyed by the Waterworks System or water flowing through the Waterworks.

14.0.5.12.2 System or deposit anywhere any deleterious substance that may in any way contaminate such reservoir or such water.

14.0.5.12.3 No person shall deposit into or on the ice of or on the shores of any waters lying within the Reserve any night soil, garbage, manure, dead animal matter, decaying vegetable matter, or any substance or substances that in any way may contaminate such waters and tend to make the waters there from unfit for human consumption.

14.0.5.13 APPLICATION OF RATES AND FEES

14.0.5.13.1 All fees, charges, and rates collected under the provisions of this bylaw shall be applied by Council for such purpose or purposes as Council determines from time to time.

14.0.5.13.2 Interest shall be added at the rate of 12% per annum, calculated monthly, commencing thirty (30) days from the date of billing, to the amount of any unpaid bill for all fees, charges and rates owing under provisions of this bylaw.

14.0.5.14 PENALTIES

14.0.5.14.1 Notwithstanding anything to the contrary contained elsewhere in this bylaw, the PW Supervisor may, on twenty-four (24) hours written notice, order that the supply of water to any person in default of the requirements of this bylaw be turned off, in which case the person in default shall not be entitled to receive any further water from the Waterworks System until such person has remedied the default.

14.0.5.14.2 No person whose water has been turned off pursuant to subsection 14.0.5.14.1. shall turn such water on again or take any water from the Waterworks System until such person has remedied the default.

14.0.5.14.3 No person whose water has been turned off pursuant to Subsection 14.0.5.14.1 shall turn such water on again or take any water from the Waterworks System until such time as the PW Supervisor authorizes to turn the water on again.

14.0.5.14.4 Any person who contravenes any provisions of this bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a period not exceeding thirty (30) days, or to both.

This bylaw is hereby made at a duly convened meeting of the Council of the Okanagan Indian Band this 27th day of January, 1997.

Voting in favor of the bylaw are the following members of the Council:

Albert Saddleman

Rusell Williams

R. Marchand

Gary Bonneau

Byron Louis

Gradin Alexis

Phyllis Bonneau

Emery Robins

Tim Alexis

Being the majority of these members of the Council of the Okanagan Indian Band present at the aforesaid meeting of the Council. The quorum of the Council is 5 members; the number of members of the Council present at this meeting is 8.

I, Albert Saddleman, Chief/Councilor of the Okanagan Indian Band, do hereby certify that a true copy of the foregoing bylaws mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull offices (as the case may be) pursuant to Subsection 82(1) of the *Indian Act*, this 27th day of January, 1994.

Jennifer Louis
Witness

Albert Saddleman
Chief/Councilor