

The Okanagan Indian Band  
By-Law No. \_\_\_\_\_  
Respecting the Construction, Maintenance  
and Regulation of Sewer System

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

And Whereas paragraphs 81(1), (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 by-laws 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 to the exercise of powers under section 81, and the imposition on summary conviction of a fine or imprisonment for violation thereof;

Now, therefore, the Council of Okanagan Indian Band enacts as a by-law thereof as follows:

This by-law may be cited as the "Okanagan Indian Band Sanitation Bylaw".

**DIVISION ONE - PREAMBLE**

1. **Short Title**

This by-law may be referred to as the "Okanagan Indian Band Sanitation By-law".

1.1 **Purpose**

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

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 by-law.

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 by-law.
- (b) This by-law shall apply to all premises, dwellings and real property within the lands.

**DIVISION TWO - GENERAL DEFINITIONS**

2. "I.R.#6" means Indian Reserve #6 of the Band.

"City" shall mean the Corporation of the City of Vernon

"Band" shall mean the Okanagan Indian Band as represented by its Council.

"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 or such other person designated by Council.

"lands" means:

- (a) 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 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 by-law 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 the 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 centre, 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 by-law.

"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 by-law, as and when such areas become sewered areas.

For the purposes of this by-law, 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 by-law, as set out in the said Regulations and *Health Act*.

### DIVISION THREE - GENERAL REGULATIONS

#### 3. Toilet Facilities - Domestic

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

- 3.1 (a) Any premises served by a septic tank which conforms with the provisions of this by-law, prior to the installation of a sewer main to which such premises are capable of being connected, may continue to be serviced by such 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 by-law 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 (30) days after the date on which such sewer main is authorized for use.

3.2 Toilets - Water Flushed

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

3.3 Sewer Connections

- (a) After the passage of this by-law, 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.

3.4 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.

3.5 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.

3.6 (a) Damaged or Dilapidated Buildings

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 by-law.

- (b) Every person causing or abetting a nuisance shall be guilty of an offence against this by-law.

(c) Written Notice re Nuisance

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 from such person.

3.7 Notice to 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.

- 3.8
- (a) Every person who fails to comply with the terms of any notice given pursuant to the provisions of this by-law thereby commits an offence against this by-law.
  - (b) If any person should fail or neglect to comply with the terms of any notice directed to him under the terms of this by-law, 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 by-law, Council may cause such person to be removed from such premises until the Inspector has certified that such premises conform with the provisions of this by-law.
  - (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.

**DIVISION FOUR - OUTDOOR PRIVIES**

4. Outdoor Privies

From and after the date of this by-law, 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 any 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.

**DIVISION FIVE - SEWAGE DISPOSAL**

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

**DIVISION SIX - PENALTIES**

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

This by-law is hereby made at a duly convened meeting of the Council of the Okanagan Indian Band this 27<sup>th</sup> day of January, 1977.

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

<u>Albert Saddleman</u> (Member of the Council)	<u>Russell Williams</u> (Member of the Council)
<u>[Signature]</u> (Member of the Council)	<u>Gary Bonner</u> (Member of the Council)
<u>[Signature]</u> (Member of the Council)	<u>[Signature]</u> (Member of the Council)
<u>[Signature]</u> (Member of the Council)	<u>[Signature]</u> (Member of the Council)
<u>[Signature]</u> (Member of the Council)	<u>[Signature]</u> (Member of the Council)

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.  
Number of members of the Council present at the meeting: 8.

I, Albert Saddleman, Chief/Councilor of the Okanagan Indian Band, 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/Regional/Hull offices (as the

case may be) pursuant to subsection 82(1) of the *Indian Act*, this 21<sup>st</sup> day of January, 1997

Jennifer Louis  
(Witness)

Robert Saddlem  
(Chief/Councilor)