

FORESHORE BYLAW

The Campbell River Indian Band Council on this 24th day of April, 1980, makes the following by-law pursuant to Paragraph (g) of Section 81 of the Indian Act Chapter 1-6, and amendments thereto,

BYLAW NO.

TO PERMIT THE DEVELOPMENT AND USE OF LAND WITHIN THE FORESHORE AREA WITHIN THE FORE AREA OF INDIAN RESERVE NO.11.

1. This bylaw designates the foreshore area of the Campbell River Indian Reserve No. 11 as a special development zone.
2. In this special development zone no building or structure shall be commenced, built, constructed, re-constructed, altered, moved, extended or maintained unless it is in conformity with the requirements of this bylaw and amendments thereto.
3. No person shall use any land or waterfront in the special development area without obtaining a permit.
4. The Band Council will issue permits for the right to use any land or waterfront in the special development zone.
5. Every applicant for a permit shall submit to the Band Council an application in writing giving the following information:
 - (a) a site plan, or plans including legal description of the area to be affected showing the location of all existing and proposed buildings, loading areas, utility, utility easements, streams and other topographic features of this site;
 - (b) preliminary architectural plans for any proposed buildings;
 - (c) a statement of intended uses;
 - (d) a statement of the interests of the Applicant;
 - (e) an estimated commencement date and proposed schedule of construction;
 - (f) a statement of financial responsibility;
6. The Band Council shall consider the Applications and at their discretion grant permits to the Applicants having regard to:
 - (a) the best interests of the Band as a whole;
 - (b) the preservation of the vital ecological balance in the area;

(c) any other factor the Band Council sees fit.

7. Enforcement

- (a) The building Inspector, who shall be appointed by the Council of the Band to administer or enforce this by-law may be authorized by the Council to enter at all reasonable times upon any property to find out whether the provisions of this by-law are being, or have been obeyed.
- (b) The Council of the Band shall establish by by-laws, when required, a Zoning Board of Appeal to hear and determine appeals from person with respect to matters arising under any section of this by-law. The board may, to the extent necessary to give effect to its determination, exempt any appellant from the applicable provisions of this by-law. The Board shall consist of two person to be appointed by the Council of the Band, two to be appointed by the Campbell River District Manager, and a Chairman, who shall be appointed by a majority of the other appointees.
- (c) Each member of the Zoning Board of Appeal shall hold office for a term of one year or until his successor shall be appointed, but a person may be re-appointed for a further term or terms.

8. Relaxation of the By-law:

- (a) The Council of the Band may relax the provisions of this by-law where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship.
- (b) The council of the Band before granting any relaxation shall be satisfied that any locate or lessee who is likely to be adversely affected is notified. If any person so notified shall object then such relaxation shall not be granted but the applicant for such relaxation may then exercise his right of appeal to the Zoning Board of Appeal at which time representations regarding the relaxation shall be heard.

9. Violation:

- (a) No person shall use or occupy any land, building or structure in violations of this by-law.
- (b) It is unlawful for any person to prevent or obstruct or attempt to prevent or obstruct the authorized entry of the Building Inspector.

10. Penalties:

- (a) Any person who violates any of the provisions of this by-law shall be guilty of a 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.

(b) Every person who commits an offence of a continuing nature against this by-law is liable to the penalty or penalties authorized under paragraph 12(a) of this by-law for each day such an offence is continued.

11. This By-Law shall be referred to as the Foreshore Zoning By-Law.

IN WITNESS WHEREOF the Campbell River Indian Band Council have hereunto set their hands as of the 24th day of April, 1980.