

Little Shuswap Lake Indian Band “Building Policy”

BP No. 2017-01



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FORWARD

The Little Shuswap Lake Indian Band (LSLIB) Building Policy and procedural guideline represents a major initiative by the Lands Department staff to consolidate land policies, practices and procedures in a single, comprehensive volume. Accompanied with the Indigenous and Northern Affairs Canada (INAC) Land Management Manual, the INAC Indian Lands Registration Manual, and all LSLIB Laws/Bylaws, plans, policies, procedures and practices, it constitutes a valuable operational and reference tool for all major aspects of building on LSLIB lands.

Of course, no manual can hope to cover all the possible situations that may arise in the course of our work. Users of this Manual will have to be guided by common sense and good judgement in using the Manual to deal with real situations. There will inevitably be cases where further guidance will have to be sought from the appropriate sources in the organization, Chief and Council or external professionals.

The Manual may contain gaps in its discussion of policy. It will have to be continually reviewed and revised to meet the changing needs of LSLIB. This is where the user will play a vital role. The Manual is a “living document” which must be kept complete, accurate and up to date to ensure its effectiveness.

1. PREAMBLE

WHEREAS LSLIB is exercising jurisdiction and authority over LSLIB lands, resources, environment and all interests in LSLIB lands and resources;

AND WHEREAS it is deemed necessary for the health, safety and protection of persons and property to regulate the construction, alteration, repair or demolition of buildings and structures and regulation the installation, alteration or repair of plumbing (including septic tanks and sewer connections) and the installation of electrical wiring, fixtures and services;

AND WHEREAS LSLIB wishes to address the adoption of a Building Policy;

AND WHEREAS LSLIB Chief and Council are committed to acting in a timely manner in order to minimize potential negative impacts to LSLIB lands, resources, environment and membership;

NOW THEREFORE LSLIB Chief and Council enacts the LSLIB Building Policy, following:

The standards contained in or made pursuant to the National Building Code, Building Code and the Electrical Safety Act of the Province of British Columbia, as amended from time to time governing the design and construction of buildings which apply to the design and construction of buildings within LSLIB Reserve lands.

The standards contained in or made pursuant to the LSLIB Land Development Policy.

The standards contained in or made pursuant to the LSLIB Lakeshore Development Guidelines.

This Policy may be cited as the “LSLIB Building Policy BP 2017-01”.

NOTE: Metric units are used for all measurements in this Policy.

2. INTRODUCTION

A policy guides the functioning of individuals and groups within government or organizations. Policies of governments often expand on the regulations to guide the decisions and processes of government and of people who deal with government. Policy manuals guide decision makers and standardize procedures in an office.

Policies can be categorized based on who will use them. Administrative policies guide and assist the staff of a First Nation or Indian Band in the internal functions of the office. Some policies guide how the leadership governs.

The LSLIB Chief and Council have the authority to make decisions regarding the communal assets of the Indian Band. This creates a special trust-like relationship known as a fiduciary relationship. The Council and individual Council members are legally obliged to the membership to manage its assets honestly, openly and in the best interests of the membership as a whole. A policy will set standards to assist Council and staff in understanding and fulfilling these fiduciary obligations.

The Lands, Leasing and Taxation Department administers a wide range of services on behalf of the membership under the direction of the Office Administrator and the political direction of the elected Chief and Council. Program service delivery is based on respect for the strength and knowledge of both the traditional and contemporary cultural values.

All community and staff members are valued as equal and worthy of respect regardless of their employment, economic or educational backgrounds, race, gender, religion or sexual orientation.

The objective of the LSLIB is to strategically manage lands, resources and environment, community and individual rights and responsibilities in land, regulate use and occupancy of lands and resources, manage the changing patterns of land use and maintain value, for the LSLIB membership today and in the future.

The Building Policy is not intended to contradict LSLIB Laws or Bylaws or applicable laws of Canada, nor is it intended to address every specific building or administrative situation. Lands, Leasing and Taxation Department staff should know and understand the sections of the *Indian Act* relating to lands, the terms and conditions within the Indigenous and Northern Affairs Canada Land Management Manual, the Indian Land Registration Manual and the terms and conditions of this Policy. Any questions or situations not addressed or answered specifically in the INAC Manuals or this Policy should be discussed with the Lands, Leasing and Taxation Manager, Office Administrator or Chief and Council.

This Manual outlines the policies for building on LSLIB lands and is intended to be used in cooperation with all approved LSLIB Laws, Bylaws, plans, maps and the INAC manuals.

3. DEFINITIONS AND INTERPRETATION

3.1 TITLE

The Policy may be cited as the “LSLIB Building Policy BP 2017-01”

3.2 DEFINITIONS

In this Policy, unless the context otherwise requires:

“Act” means the *Indian Act*.”

“Agent” means a person, firm, or corporation representing the owner, by designation or contract, and includes a hired tradesman or contractor who may be granted a permit for work within the limitations of their license.

“Appellant” means a litigant, accuser, complainant, plaintiff or petitioner.

“BCR” means Band Council Resolution.

“Band” means the Little Shuswap Lake Indian Band.

“Building Code” means the National Building Code, the British Columbia Building Code and Plumbing codes, amended from time to time.

“Building Inspector” means the person registered as a member in good standing with the Building Officials’ Association of British Columbia, appointed from time to time for the purpose of enforcing and carrying out the provisions of this Policy and shall include any Acting or Assistant Building Inspector.

“Building Permit” means Appendix “B” to this Policy and when signed by the Building Inspector it shall be the authority for a person to proceed with the work authorized thereon.

“Construction” means any erection, repair, alteration, enlargement, addition, demolition, removal or excavation.

“Council” means the LSLIB Chief and Council.

“Fire Prevention Officer” means the person so appointed from time to time for the purpose of enforcing and carrying out the provisions of the British Columbia Fire Services Act and the British Columbia Fire Code as amended from time to time.

“INAC” means the Indigenous and Northern Affairs Canada.

“Inspection Notice” means Appendix “D” of this Policy and when signed by the Building Inspector will serve as notice that they intend to inspect the works indicated thereon.

“Inspection Report” means Appendix “F” of this Policy and when signed by the Building Inspector serves as the record of their approval or disapproval of any work and shall include their recommendations regarding any work.

“LSLIB” means the Little Shuswap Lake Indian Band.

“Occupancy Permit” means Appendix “C” to this Policy and when signed by the Building Inspector it shall be the authority for a person to occupy premises for which a Building Permit was issued.

“Owner” means any person, firm or corporation who is legally in possession or control of a portion of the lands, the title of which is vested in the Crown in the right of Canada, that have been or are set aside for the use and benefit of the Little Shuswap Lake Indian Band membership and which have not been unconditionally surrendered.

“Policy” means this LSLIB Building Policy.

“Reserve” means all those lands, the title of which is vested in the Crown in the right of Canada, that have been or are set aside for the use and benefit of the Little Shuswap Lake Indian Band membership and which has not been unconditionally surrendered.

“Scale of Fees” means Appendix “G” to this Policy which sets the fees applicable to any work other than plumbing.

“Scale of Fees – Plumbing” means Appendix “H” to this Policy which sets the fees applicable to plumbing work.

“Stop Work Notice” means Appendix “E” to this Policy and when signed by the Building Inspector orders the stoppage of work on the work stated thereon.

“Swimming Pool” means any structure of construction, intended primarily for recreation, that is, or is capable of being filled with water to a depth of 600 mm.

“Work” means any erection, repair, alteration, enlargement, addition, demolition, removal or excavation.

4. APPENDICES

The following appendices form part of this Policy:

Appendix “A” Application for Building Permit

Appendix “B” Building Permit

Appendix “C” Occupancy Permit

Appendix “D” Inspection Notice

Appendix “E” Stop Work Notice

Appendix “F” Inspection Report

Appendix “G” Scale of Fees – Building

Appendix “H” Scale of Fees – Plumbing

5. BUILDING POLICY

5.1 Application of the policy:

- a) To the design and construction of a building when a building, or part thereof, is constructed on site or as a factory-built unit or component;(A277 and Z240)
- b) To the work involved in the demolition when the whole or any part of a building is demolished or removed;
- c) To all parts of the building when the whole or any part of a building is moved, either within or into the Reserve;
- d) To any alteration, and to any part of a building affected by alterations to an extent which, in the opinion of the Building Inspector, reduces the levels of public health and safety below the levels existing prior to the alterations;

- e) To all such replacements and alterations when materials and equipment regulated are replaced or altered in a building;
- f) To any part remaining when a building is demolished to an extent of more than 75% of its value above its foundations as determined by the Building Inspector;
- g) To site grading and asphalt or other permanent surfacing, which will affect the drainage characteristics of the site.

5.2 Where any Federal Act or Regulation or Provincial Act or Regulation or any other LSLIB Law may apply to any matter covered by this Policy, compliance with this Policy shall not relieve the owner or their agent from complying with provisions of such other Act, regulation or Law.

5.3 Council shall appoint from time to time a person who shall serve at the pleasure of the Council for the purpose of carrying out the duties set out in this Policy pursuant to terms and conditions established by Council.

6. LAWS, REUGLATIONS AND REFERENCED DOCUMENTS

6.1 The provisions of referenced documents and referenced standards prescribed by this Policy apply to the extent that they relate to buildings.

6.2 In the case of conflict between the provisions of a referenced document and those of this Policy, the provisions of this Policy will govern.

6.3 LSLIB Building Policy is guided by but not limited to the following laws, regulations and policies:

- All applicable LSLIB Laws and Policies; and

WITHOUT PREJUDICE

- *Indian Act*
- *Indian Act* Regulations
- National Building Code Cost of Development (Provincial Building Code Cost of Development and the National Plumbing /code, from time to time
- Health Canada Regulations
- *Canadian Environment Protection Act*
- *Canadian Environment Assessment Act*
- *Species At Risk Act*
- Environment Canada Regulations
- Applicable Provincial/Federal Regulations

7. PROHIBITIONS

- 7.1 For the purpose of this section, “person” includes owner, individual, occupier, firm or corporation as applicable.
- 7.2 No person shall fail to comply with any order or notice issued by the Building Inspector.
- 7.3 No person shall work, authorize or allow work to proceed on a project for which a permit is required unless a valid permit has been issued in the form shown on Appendix “B” of this Policy.
- 7.4 No person shall deviate from the approved plans and specifications forming part of the Building Permit or omit or fail to complete work required by the said plans and specifications without first having obtained approval in writing from the Building Inspector to do so.
- 7.5 No person shall occupy or allow the occupancy of any building, or part thereof, unless the owner has obtained an Occupancy Permit from the Building Inspector in the form shown on Appendix “C” of this Policy.
- 7.6 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building shall cause, allow or maintain any unsafe condition.
- 7.7 No person shall excavate or undertake work on, over or under public property or erect or place any construction or work or store any materials thereon, without approval having first been obtained from the LSLIB and Building Inspector if applicable.
- 7.8 No person shall submit false or misleading information to the Building Inspector.
- 7.9 No person shall interfere with or obstruct the entry of the Building Inspector acting in the administration or enforcement of this Policy.
- 7.10 No person shall excavate or fill any building site in the absence of a valid or subsisting permit.
- 7.11 No person shall continue building construction beyond the foundation stage until:
- In the opinion of the Building Inspector an acceptable level of fire protection has been provided; and
 - A certification of location by a registered British Columbia Land Surveyor has been received and approved by the Building Inspector.

8. DUTIES AND RESPONSIBILITIES OF OWNERS

- 8.1 Every owner shall allow the Building Inspector to enter any building or premises at any reasonable time for administering and enforcing this Policy or any other Band Law or Bylaw.
- 8.2 Every owner shall obtain all permits and approvals required in connection with proposed work, prior to commencing such work.
- 8.3 Every owner shall ensure that plans and specifications on which a permit is based are continuously available at the work site during working hours.
- 8.4 Every owner shall notify the Building Inspector of the date of commencement of work on a building site.
- 8.5 Every owner shall, when required by the Building Inspector, provide a written list of:
 - a) The name, address and telephone number of the constructor or person in charge of the work.
 - b) The name, address and telephone number of the engineer or architect reviewing the work, together with a letter of commitment from such engineer or architect setting forth the extent and limits of their reviewing function.
- 8.6 Every owner shall give 24 hours written notice to the Building Inspector:
 - a) of their intent to do work that has been ordered inspected during construction;
 - b) of their intent to cover work that has been ordered to be inspected prior to covering;
 - c) when work has been completed so that a final inspection can be made;
 - d) while not limiting the generality of the foregoing, at the following stages of construction:
 - i. when excavation and footing forms are complete, including placement of required reinforcing, but prior to placing of any concrete.
 - ii. when foundation concrete, damp-proofing, water-proofing and perimeter drains radon venting are complete, but prior to any backfill being placed.
 - iii. when all structural components are in place but uncovered including windows, concrete, structural iron or steel, stairs, ductwork, rough plumbing, wiring and gas venting.
 - iv. when insulation and vapour barriers are complete but prior to placement of any finish thereon.
 - v. when all work is complete but prior to occupancy.

- 8.7 Every owner shall give notice to the Building Inspector of intent to occupy or allow occupancy of a building or portion of a building.
- 8.8 Every owner shall make or have made at its expense tests or inspections necessary to prove compliance with this Policy and shall file copies of test results and inspection reports with the Building Inspector.
- 8.9 Every owner when required by the Building Inspector shall uncover and replace at its own expense any work that had been covered contrary to an order issued by the Building Inspector.
- 8.10 Every owner shall ensure that all work shall be confined within the boundaries of the lot on which the work is to be located.
- 8.11 Every owner is responsible for the cost to repair any damage to public property or works that may occur as a result of undertaking work for which a permit was required under this Policy.
- 8.12 Every owner shall obtain an Occupancy Permit from the Building Inspector prior to any occupancy of a building or part thereof after construction, partial demolition or alteration of that building.
- 8.13 When required by the Building Inspector every owner shall provide, in a form satisfactory to the Building Inspector, evidence to certify compliance with the requirements of this Policy and of any permits required.
- 8.14 When a building or part thereof is in an unsafe condition, every owner shall forthwith take all action necessary to put the building in a safe condition.
- 8.15 Every owner is responsible, when making application for a permit, for the verification of the existence and location of any utility services required for the subject permit.

9. DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

- 9.1 The Building Inspector is responsible for the administration and enforcement of this Policy.
- 9.2 The Building Inspector shall keep copies of all permits and orders issued, inspections and tests made and of all papers and documents connected with the administration of this Policy for a period of not less than ten (10) years from the date of issuance of the permit.

- 9.3 The Building Inspector shall:
- a) Issue such notices or orders as may be required to inform the owner where a contravention of this Policy has been observed.
 - b) Issue an order to the owner to correct any unsafe condition observed in any building.
- 9.4 The Building Inspector, when issuing a “Stop Work Notice” as provided for in Section 3 of this Policy, shall post such notice in a conspicuous location on the construction site, in the presence of the permit holder or the permit holder’s agent.
- 9.5 The Building Inspector, when requested to do so, shall, within a reasonable time, provide reasons for refusal to grant a permit.
- 9.6 The Building Inspector shall answer such questions as may be reasonably relative to the administration of this Policy, but, except for standard design aids, is not authorized to assist in the laying out of any work or to act in the capacity of a design consultant.
- 9.7 The Building Inspector shall issue a permit when, to the best of their knowledge, the conditions set forth in this or any other applicable Bylaw or Policy has been met.
- 9.8 The Building Inspector shall issue an Occupancy Permit after completion of inspections when it appears to them that the building or part thereof so inspected complies in all respects with the provisions of this and any other application Bylaw.
- 9.9 The Building Inspector shall carry proper credentials and produce them for inspection upon request.

10. POWERS OF THE BUILDING INSPECTOR

- 10.1 The Building Inspector may enter any building or premises at any reasonable time for administering or enforcing this Policy or any other Law or Bylaw.
- 10.2 The Building Inspector is empowered to order:
- a) a person who contravenes this Policy to comply with the Policy within a specified time;
 - b) work to stop on a building or part thereof, if work is proceeding in contravention of the Policy or if there is deemed to be an unsafe condition;
 - c) the removal of any unauthorized encroachment on public property;
 - d) the removal of any building or part thereof constructed in the contravention of this Policy;
 - e) the termination of any occupancy, in contravention of this Policy or other applicable Laws or Bylaws; and

- f) the termination of any occupancy if any unsafe condition is deemed to exist because of work undertaken or not completed.

10.3 The Building Inspector at their discretion, may direct that sufficient evidence or proof be submitted at the expense of the Owner to determine whether a material, device, construction method, assembly, construction or foundation condition meets the requirements of this Policy.

10.4 The Building Inspector may require any Owner to submit an up-to-date plan of survey by a registered Canada Lands Surveyor which shall contain sufficient information regarding the site and the location of and building to:

- a) establish prior to construction that the requirements of this Policy and any other applicable Law or Bylaw will be complied with, and
- b) verify at the earliest practicable time after work is in place that all such requirements have been complied with.

10.5 The Building Inspector may require any plans and specifications submitted to bear the seal and signature of a member of the Architectural Institute of British Columbia or the Association of Professional Engineers of British Columbia before it is accepted, if in their opinion:

- a) the site condition, soil types, contours or drainage requires special foundation design, or
- b) the proposed building or structure is not standard construction, or
- c) the proposed building or structure is valued at \$25,000 or more, or
- d) the proposed building or structure is of a category requiring professional design.

The Building Inspector may further require that all phases of the construction are reviewed, inspected and certified on completion by the Architect or Engineer over their official seal and signature.

10.6 The Building Inspector may issue a Permit at the risk of the Owner for the construction of a phase of a building or complex prior to all required plans and specifications for the whole building or complex having been submitted or approved, provided:

- a) plans and specifications for the phase in question have been submitted in sufficient detail to satisfy the Building Inspector that the work to be done will comply with all requirements of the Building Code and of this Policy or any other related Laws and Bylaws.

- b) adequate information and detailed statements have been filed to the extent that the Building Inspector is satisfied the remainder of the building or complex will comply with all pertinent Laws and Bylaws.

10.7 The Building Inspector may refuse to issue a Permit:

- a) when, in their opinion, information submitted is inadequate to ensure compliance with this Policy or any other applicable Laws or Bylaws
- b) when incorrect information is submitted;
- c) that would be prohibited by any other Law, Bylaw, Act or Regulation;
- d) when site work has been carried out previous to issuance of a Permit, including but not limited to excavation or fill.

10.8 The Building Inspector may revoke a Permit:

- a) if there is a contravention of any condition under which the Permit was issued;
- b) that was issued in error;
- c) that was issued on the basis of incorrect information, and;
- d) for violation of any provision of the Building Code.

The revocation shall be in writing and transmitted to the permit holder either by registered mail, hand delivery or fax transmission.

10.9 The Building Inspector may, for the purpose of determining permit fees, place a value on the work to be carried out where no cost estimate is available, or they are not satisfied with the value submitted with the permit application.

10.10 The Building Inspector is empowered when, in their opinion, any building, construction, demolition, excavation or part thereof is in an unsafe condition as a result of being open or unguarded, or because of danger of fire or risk of accident, and when due notice to correct such condition has not been complied with, to make safe such condition at the expense of the Owner. Any costs for so doing may be added to the current year's property taxes or rent, as the case may be.

10.11 The Building Inspector, at their discretion, when immediate measures must be taken to correct an imminent danger of fire or risk of accident, is empowered to take appropriate action, without notice and at the expense of the owner and the cost for so doing may be added to the current year's property taxes or rent, as the case may be.

10.12 The Building Inspector, at their discretion, before issuing an Occupancy Permit, may require the Owner to provide certification that the requirements of this Policy and other applicable Laws and Bylaws have been complied with.

- 10.13 The Building Inspector may issue, in the case of single or two-family dwellings only, where weather conditions have prevented the completion of exterior work, a temporary Occupancy Permit, provided that:
- a) the interior of the building is complete;
 - b) utility services including but not limited to sewer, water and power, are complete;
 - c) sufficient proof has been provided that remaining work shall be completed by a specified date;
 - d) no unsafe conditions exist.
- 10.14 In order to prevent unnecessary delay prior to granting of a Permit, the Building Inspector may grant permission, subject to such conditions as seem prudent, for an owner to excavate or fill on a propose building site.
- 10.15 The Building Inspector, prior to issuing a Permit or during the course of construction, is empowered to impose such conditions as they deem reasonable to protect neighbouring property.

11. PERMITS

- 11.1 A permit is required when work regulated by this Policy is to be undertaken.
- 11.2 An Occupancy Permit is required to allow the occupancy of a building or part thereof.
- 11.3 To obtain a Building Permit the Owner shall apply in writing using the form 'Application for a Building Permit' which is attached as Appendix "A" to and forms part of this Policy.
- 11.4 Every application for a Building Permit shall be accomplished by the prescribed fee as detailed in Appendix "G" attached to and forming part of this Policy.
- 11.5 Every application for a Building Permit shall:
- a) identify and describe in detail the work and occupancy to be covered by the permit;
 - b) describe the land on which the work is to be done, by a description that will readily locate and identify the building lot, including the legal description and civic address;
 - c) include plans and specifications showing the occupancy of all parts of the building;
 - d) state the valuation of the proposed work;
 - e) state the names, addresses, and telephone numbers of the owner, architect, engineer, designer and constructor.
- 11.6 Sufficient information shall be filed with each application to enable the Building Inspector to determine whether the proposed work will conform to this Policy or other applicable Laws and Bylaws and whether or not it may affect adjacent property.

- 11.7 Plans shall be drawn to scale and shall be clear and durable, suitable for reproduction, and shall indicate the nature and extent of the work or proposed occupancy in sufficient detail that when completed, the work and proposed occupancy will conform to this Policy and other relevant Laws, Bylaws and Regulations.
- 11.8 Site plans shall be referenced to the current registered legal survey for the subject property and shall show:
- a) dimensions from property lines, the location of the proposed building or buildings;
 - b) means of access and egress to service the property;
 - c) the similarly dimensioned location of any other existing building or buildings on the site;
 - d) existing and finished ground levels to an established datum;
 - e) all Easements and Rights-of-Way whether that access is either registered or assumed.
- 11.9 The Building Inspector may allow the essential information to be shown on the plans in lieu of written specifications, but under no circumstances shall such terms as “in accordance with this Policy”, “legal” or similar terms be used as substitutes for specific information.
- 11.10 When work requiring a Permit is commenced or undertaken prior to the issuance of such Permit, the permit fee shall be doubled, provided however that the amount of such increase shall not exceed \$1,000.00.
- 11.11 Within six (6) months of a Building Permit having been issued, should the owner make written application to cancel the Building Permit and no construction has taken place, the LSLIB may refund up to 50% of the permit fee paid in respect of the Building Permit.
- 11.12 Any building for which the occupancy of will include the employment of people, no Permit will be issued until evidence is submitted that the requirements of the Provincial Ministry of Labour have been met.
- 11.13 No Building Permit shall be issued until utility services including but not limited to sewer, water and power, for the subject property are completed to the approval of the Building Inspector and all appropriate connection fees or other construction costs have been paid. If sanitary sewer is not available, no permit will be issued until the Building Inspector is provided with written evidence that the sanitary disposal system is approved by Health Canada.
- 11.14 If water service is not available, no permit will be issued until a source of potable water is proven to the satisfaction of LSLIB.

11.15 Where application is made to erect a building on the site of an existing building or structure, which act would be in violation of the Band Zoning or Land Use Policies, Laws, Bylaws or any other related Laws, Bylaws or Regulations, the Building Inspector may issue a Building Permit provided:

- a) The existing building or structure is removed prior to issuance of the permit; or
- b) Security in a form satisfactory to the Council in an amount double the appraised value of the existing building or structure and in any case, no less than \$10,000.00 in value is deposited with the Band prior to issuance of the permit as a guarantee that the offending building or structure will be removed immediately upon occupancy of the new building.

11.17 The word “temporary”, as used in this subsection, shall mean a period not exceeding twelve (12) months.

A person desiring to erect a temporary building, structure or shelter shall make written application for a Building Permit to the Building Inspector. The application shall be accompanied by:

- a) plans showing the location of the building on the site and construction details of the building;
- b) a statement of the intended use and duration of the use; and
- c) a bond, certified cheque or irrevocable letter of credit issued by a chartered bank, sufficient, in the opinion of the Building Inspector, but in any event not less than \$5,000.00 in value, to the site within the time limit indicated.

11.18 No Building Permit shall be issued for the erection of an accessory building or structure on any lot unless the principal building to which the accessory building or structure as an incidental use has been erected or will be erected simultaneously with said accessory building or structure.

11.19 Construction must be commenced within 180 days of the issue of a Building Permit and must be completed to final inspection stage within 18 months or the permit shall be deemed invalid. LSLIB may grant a renewal permit for a further one (1) month period if they are satisfied that the construction is progressing in accordance with the approved plans at a reasonable rate of progress. A permit renewal fee shall be levied in accordance with Appendix “G” attached to and forming part of this Policy.

12. APPEAL

12.1 An appeal against a decision of the Building Inspector lies within the Lands Manager or acting manager of LSLIB’s Lands Department.

- 12.2 An appeal against a decision of the Building Inspector may be submitted to LSLIB's Lands Manager or acting manager of LSLIB's Lands, Leasing and Taxation Department by any person who:
- a) Has applied under the provisions of this Policy for a Permit which has not been granted.
 - b) Has had a Permit revoked, or
 - c) Feels adversely affected by a decision of the Building Inspector.
- 12.3 The Appellant shall file with the Lands Manager or acting manager of LSLIB's Lands Department a statement in writing in such detail as will enable LSLIB's Lands staff to properly consider the appeal, setting out:
- a) The nature and subject matter of the appeal;
 - b) The address of the building affected by the appeal; and
 - c) The sections of this of this Policy affected by the appeal.
- 12.4 The Lands Manager or acting manager of LSLIB's Lands Department may either concur with, reverse or modify the decision and shall render their decision within seven (7) business days from receipt of the Appellant's request for appeal.
- 12.5 If the applicant is dissatisfied with the results, they may appeal to Council whose decision shall be final.
- 12.6 An appeal to Council shall be in writing and shall be heard in a timely manner at a duly convened Council meeting at which the Appellant may be present.

13. RELOCATION OF BUILDINGS

- 13.1 The moving of a building from one property to another within the Reserve or into the Reserve requires a permit.
- 13.2 Every application to move a building shall identify the existing site of the Building and the proposed site to which the building is to be moved.
- 13.3 No Permit to move a building shall be issued until the time, manner and route of the move has been approved by the Building Inspector, the RCMP and the Provincial Ministry of Highways, as may be applicable in the circumstances.
- 13.4 No Permit to move a building shall be issued until evidence is submitted to the Building Inspector to certify that all services to the building have been disconnected and sealed, as may be required.

- 13.5 No building shall be moved to another site within the Reserve unless, in the opinion of the Building Inspector, it conforms or is made to conform to the architectural standards and applicable building codes in the vicinity of the proposed new site and is in compliance with the requirements of this Policy.
- 13.6 Every application to relocate a building shall be accompanied by security in a form acceptable to the Council, and in an amount equal to the estimated cost of completing the building in its new location to occupancy stage. The amount so estimated shall be determined by the Building Inspector, however, in no case shall that security be less than \$10,000.00.
- 13.7 Should a building which has been relocated subject to this policy, not be completed to occupancy stage within one year from the date of issuance of the permit, the Building Inspector may draw upon the security required under the subject section and take whatever action is necessary to effect completion of the building.

14. DEMOLITIONS

- 14.1 The demolition of any building requires a Permit as outlined in Appendix "A" attached to this Policy.
- 14.2 Every person making application for a permit to demolish a building shall, as part of their application, provide the Building Inspector with satisfactory evidence that:
- a) no unsafe condition will be created or permitted;
 - b) all utility services to the building have been disconnected and all such disconnections have been approved by the appropriate authority.
- 14.3 Before issuing a permit to demolish any building, the Building Inspector may demand that security be provided in a form satisfactory to the Council to ensure that the site of the demolition will be left in a safe, neat condition, free from debris or dust and compatible with neighbouring properties. The amount of the security shall be equal to the estimated cost of site restoration in the event that the site is not properly restored to a standard satisfactory to the Building Inspector for the purpose of restoring the site.
- 14.4 Prior to issuing a permit to demolish any building, the Building Inspector may impose such conditions as seem reasonable to them for the protection of the public.

15. OTHER REGULATIONS

15.1 Site Drainage and Grading

All sites shall be graded so that all buildings contained thereon are effectively protected from surface water.

15.2 Roof Drainage

On any building which is the subject of a permit, the Building Inspector may direct that perimeter drains, rainwater leaders, gutters and downspouts or other drainage appurtenances be installed where, in their opinion, they are necessary for proper drainage. The Building Inspector may further direct that they be connected to storm drains.

15.3 Site Grades

Slopes shall not exceed the natural angle of repose of the soil and all transition of slope shall be gradual.

15.4 Parking and Screening for Commercial Buildings

All required parking, driveways and other areas on site utilized by vehicular traffic shall be constructed and surfaced in accordance with the off-street parking and loading requirements as set out in the Band Laws, Bylaws, and Regulations. Where a Band Law, Bylaw, or Regulation does not exist the following requirements will prevail:

- a) An owner of land may provide and maintain off-street parking spaces other than on the site of the use, building or structure, provided that:
 - i. the off-site parking is located immediately adjacent to or across the lane or road, and in no case more than 90 m from the subject property;
 - ii. the alternate site is appropriately zoned to permit off-street parking; and
 - iii. a covenant in a form acceptable to the Band is registered as a charge in the Indian Land Registry against the property on which the off-site parking is located and the property for which the off-site property is required.
- b) Traffic control curbs and bumper curbs shall be effectively anchored in place.
- c) Parking bumpers shall be placed so that parked vehicles are prevented from encroaching on neighbouring property or public property.
- d) External storage, mechanical equipment or roof mounted equipment shall be screened in a manner approved by the Building Inspector.

15.5 Maintenance of Construction Sites

Every construction site shall be maintained free of loose or blowing debris and shall be subject to a continuous and effective program of dust control during the various phases of construction.

The Building Inspector may require as a condition of issuance of the Building Permit that security in a form acceptable to the Council and in an amount acceptable to the Building Inspector, be provided to guarantee compliance with this clause. In the event the conditions contained herein are violated, the Building Inspector may draw upon the security for the purpose of effecting adequate maintenance of the site. In the event the forfeited security is not sufficient to provide continuous maintenance of dust and debris until construction is finalized, the Council or its appointed agents may enter the site and take whatever actions are required to resolve the matter and charge the costs directly to the owner. The costs incurred shall be due and payable upon notice served by the Band upon the Permittee. Such charges shall bear interest at 2% per month within thirty (30) days of date of notice.

15.6 Protection of Band Works and Adjacent Properties

Where work is being done subject to a permit under the provisions of this Policy, Band works and property adjacent to the work shall be protected and the Band shall be saved harmless from any damage or cost arising out of or incidental to the work.

15.7 Flood Control Requirement

No building shall be constructed:

- a) with the elevation of the surface of the lowest floor (slab, crawl-space or basement) less than thirty (30) centimeters above the overflow level of the Reserve drainage system servicing the property, or as approved by the Building Inspector.
- b) with any area used for human habitation located at an elevation such that the underside of the floor system or top of slab thereof is more than 0.5 m below the two hundred (200) year flood level as determined from elevations provided by the Ministry of the Environment of the Province of British Columbia.
- c) With missing horizontal flood setbacks.

Notwithstanding the provision of this policy, it is the responsibility of the owner to ensure that the building will be safe from water action, whether caused by surface runoff or not.

Prior to the issuance of a Building Permit for any building or structure within flood plain, the owner shall enter into a covenant which shall be registered in the Indian Land Registry and shall run with the land. Such covenant shall affect the following conditions:

The owner agrees to save harmless the LSLIB in the event of any damage being caused by flooding to any building, improvement or other structure built, constructed or placed upon the said lands, and to any contents thereof.

Proof of registration of the covenant shall be provided to the Building Inspector prior to permit approval.

15.8 General Workmanship

All work shall at least conform to the rules and customs of good trade practice and shall be performed by people familiar with the work, well equipped and adequately supervised.

15.9 Retaining Walls

All retaining walls shall be designed with integrity and constructed in accordance with recommended engineering practices and, where appropriate, in consultation with a qualified engineer.

15.10 Site Identification

For the purpose of identification and as a condition of occupancy, every parcel of real property containing a building subject to a Permit under this Policy must display the street address or 911 code of the property by means of clear and legible numbers.

15.11 Penalties

Every person, firm or corporation violating any provision of this Policy is liable on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days, or to both fine and imprisonment.

15.12 Disposition of Funds

All monies received under this Policy shall be deposited by the Band in the same manner as other revenue is received by Council and will be budgeted and used to defray Band expenses.

16. LIMITATION OF LIABILITY

16.1 The purpose of inspections under the Policy is to satisfy Council that the requirements of this Policy have been complied with, and no inspection report or decision shall be construed as an assertion or warranty by the Band, or any person acting for, on behalf of or under the authority of the Band, to any person other than the Band, as to any matter whatsoever, including:

- a) The compliance of the works inspected with any code or standard;
- b) The safety of the works inspected;
- c) The quality of the design, workmanship or materials of the works inspected, or
- d) The sufficiency of the works inspected for any use.

17. PRESCRIBED FORMS

17.1 The forms prescribed as Appendices "A" to "F" to this Policy are included only as guides, and deviations from them may be used where the deviation:

- a) Does not affect the substance of information required to be set out in the form, and
- b) Is not misleading.

17.2 A form under subsection 15.1 may set out any information in addition to that which is required to be set out in the form under this Policy.