



A bylaw to regulate the Construction, alteration, repair, moving or demolition of buildings and Structures within the Tk'emlúps te Secwépemc

Bylaw Number 2019-05  
Approved by Chief and Council the 16<sup>th</sup> day of September 2019

**Tk'emlúps te Secwépemc  
Bylaw No. 2019-05**

**A bylaw to regulate the Construction, alteration, repair, moving or demolition of  
buildings and Structures within the Tk'emlúps te Secwépemc**

**WHEREAS** section 35 of the *Constitution Act*, 1982 recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc desires to make a bylaw to regulate the Construction, alteration, repair, moving or demolition of buildings and Structures within the Tk'emlúps te Secwépemc;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc is empowered to make such a bylaw pursuant to paragraphs 81(1) (h), (q) and (r) of the Indian Act;

**AND WHEREAS** it is considered to be expedient and necessary for the health, safety, and protection of Persons and property, to regulate the Construction, alteration, repair, or demolition of buildings and Structures within the Tk'emlúps te Secwépemc;

**AND WHEREAS** the Council of the Tk'emlúps te Secwépemc did enact Bylaw No. 2017-05 on the 31st day of May 2017, and wishes to repeal the said bylaw and replace it with this bylaw;

**NOW THEREFORE** the Council of the Tk'emlúps te Secwépemc hereby makes the following bylaw.

**1. Short Title**

This bylaw shall be cited as the Tk'emlúps te Secwépemc Building Bylaw.

**2. Purpose of Bylaw**

(1) This bylaw has been enacted for the purpose of regulating Construction within the TteS in the general public interest. The activities undertaken by or on behalf of the Band pursuant to this bylaw are for the sole purpose of providing limited and interim spot-checking for reasons of health, safety and the protection of Persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

- (a) to the protection of Owners, Owner/builders, constructors, or occupiers from bodily injury or economic loss;
- (b) to the assumption that the Band has any responsibility for ensuring the compliance by any Owner, his or her Agent or any employees, constructors, or designers retained by him or her, with the Building

Code, the requirements of this bylaw or other applicable enactments respecting safety;

- (c) to providing any Person a warranty of design or workmanship with respect to any building or Structure for which a building Permit or Occupancy Certificate is issued under this bylaw;
  - (d) to providing a warranty or assurance that Construction undertaken pursuant to building Permits issued by the Band is free from latent or any defects or complies with this bylaw; or
  - (e) to the assumption that the Band has any responsibility for ensuring that any Construction will be geotechnically sound and will not be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, or geohazards.
- (2) Metric units are used for all measurements in this bylaw. The approximate equivalent of those units in commonly used units of imperial measure (feet, inches, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this bylaw.

### **3. Interpretation**

- (1) If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.
- (2) Words or phrases defined in the British Columbia Building Code, or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Section 5 of this bylaw are used in the body or schedules of this bylaw, they have the meaning ascribed to them as set out in Section 5.
- (3) Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of Tk'emlúps te Secwépemc, as amended, revised, consolidated, or replaced from time to time.
- (4) The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

#### 4. Scope and Exemptions

- (1) This bylaw shall apply to:
  - (a) the design, Construction and occupancy of a building when a building, or part thereof, is constructed on Site or is assembled or placed on-Site as a factory-built unit or component;
  - (b) the work involved in the demolition when the whole or any part of a building is demolished or removed;
  - (c) all parts of the building when the whole or any part of a building is moved;
  - (d) any alteration and to any part of a building affected by alterations to an extent which, in the opinion of the Building Official reduces the levels of public health and safety below the levels existing prior to the alteration;
  - (e) all parts of the building affected by the change of use when occupancy and/or use of a building are changed;
  - (f) all such replacements and alterations when materials and equipment regulated are replaced or altered in a building;
  - (g) any part remaining when a building is damaged or destroyed to the extent of seventy-five (75) per cent or more of its value above its foundations as determined by the Building Official;
  - (h) Site grading and/or asphalt or other permanent surfacing, which will affect the drainage characteristics of the Site excluding single and two family dwellings;
  - (i) the design and Construction of retaining walls where the difference in finish grade elevation is greater than 1.2 m (4 ft.) in height;
  - (j) the Construction, installation, relocation or alteration of Swimming Pools, together with all ancillary equipment, services and attachments normally employed in the use of a Swimming Pool, and to the Construction of fences surrounding such Swimming Pools;
  - (k) the design and installation of the entire system when a plumbing system is installed, repaired, renovated or altered;
  - (l) the design and repair of the entire plumbing system where a condition exists that is, or may become dangerous or injurious to health, except

where the portion of the system affected is completely independent from any other part of the system;

- (m) the design and installation of on-Site roads and underground utilities for commercial, mobile home park, multi- family or strata developments; and
  - (n) the design, Construction, or installation of solid fuel burning appliances, fireplaces, and chimneys.
- (2) This bylaw does not apply to buildings or Structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining Structures equal to or less than 1.2 m (4 ft.) in height.
  - (3) Where any provincial act or regulation or any other Band bylaw may apply to any matter covered by this bylaw, compliance with this bylaw shall not relieve the Owner or his or her Agent from complying with provisions of such other act, regulation or bylaw.
  - (4) If any provision of this bylaw is found invalid, such provision is severable and shall not affect the validity of the remainder of this bylaw.

## **5. Definitions**

“Accepted” means Accepted in writing.

“Agent” means a Person, firm, or company representing the Owner, by designation or contract, and includes a hired contractor.

“Band” means the Tk’emlúps te Secwépemc, or any successor to such band pursuant to a Federal statute or otherwise.

“Band Land” means reserve lands of the Tk’emlúps te Secwépemc that are not held under Certificate of Possession.

“Band Member” means a Person who is a member of the Band and is registered on the Band List as defined in the Indian Act or who is entitled to have his or her name appear on the Band List.

“Building Code” means the current edition of the British Columbia Building Code adopted by the Minister pursuant to Section 692 of the Local Government Act., as amended or re-enacted from time to time.

“Building Official” means

- (1) An Architect who has passed an accredited education program and holds a membership in good standing with the Architectural Institute of British Columbia;
- (2) An engineer who has passed an accredited education program and holds a membership in good standing with the Engineers and Geoscientists of British Columbia;
- (3) A person who is a member in good standing with the Building Officials Association of British Columbia.

“Complex Building” means

- (1) all buildings used for major occupancies classified as:
  - (a) assembly occupancies,
  - (b) care or detention occupancies, or
  - (c) high hazard industrial occupancies, and
- (2) all buildings exceeding 600 m<sup>2</sup> (6,458 sq. ft.) in building area or exceeding three storeys in building height used for major occupancies classified as:
  - (a) residential occupancies,
  - (b) business and Personal services occupancies,
  - (c) mercantile occupancies, and
  - (d) medium and low hazard industrial occupancies.

“Construction” includes erection, repair, alteration, enlargement, addition, installation, demolition, removal, excavation, replacement, renovation, reconstruction, or relocation of a building, buildings, or Structure.

“Council” means the Chief and Councillors of the Band duly elected or holding office and sworn into office in good standing under the relevant provisions of the Band’s Custom Elections Regulation.

"Fire Prevention Officer" means the Person appointed as a Fire Prevention Officer under the Kamloops Indian Band Fire Prevention Bylaw, as amended from time to time.

“Flood Plain” means a parcel of land or portion of any parcel of land lying at an elevation equal to or less than the flood Construction level as established by the Ministry of Environment of the Province of British Columbia.

“Health and Safety aspects of work” means design and Construction regulated by Part 3, Part 4, Part 6, Part 7, and Part 9 of the Building Code.

“Monitor” means the method by which the Plan Checker may review the process of field reviews as conducted by registered professionals pursuant to the Building Code and this bylaw and other applicable enactments. The Plan Checker’s Monitoring function is satisfied by the Plan Checker’s receipt of the applicable letters of assurance submitted by the registered professional and as referred to in Section 2.6 of Part 2 of the Building Code. Although the Plan Checker may review registered professionals’ field inspection reports to ascertain field review frequency or visit a Site from time to time to verify that registered professional field reviews are taking place, the Plan Checker is under no duty to do so. Monitoring does not include assessment of compliance with the Building Code, this bylaw or any other enactments, or the approval of any aspect of Construction.

“Officer” means any police, Royal Canadian Mounted Police or Bylaw Enforcement Officer, or any other Person charged with the duty to preserve and maintain the public peace and any Person appointed by Council for the purposes of maintaining law and order on the Reserve.

“Owner(s)” means any Person, firm or company controlling the property under consideration.

“Permit” means a Permit required or issued pursuant to this bylaw and other applicable enactments.

“Person” means in addition to its ordinary meaning, a partnership, association, company, society and body corporate.

“Plan Checker” means a Person appointed from time to time by the Council to administer the provisions of this Bylaw and shall include any acting or assistant Plan Checker.

“Reserve” means land located within the Band Reserve Numbers 1 to 6, any other Band reserves or special reserves (as defined under the *Indian Act*) and any other land over which the Band has jurisdiction to pass bylaws or to manage land or development or both; includes designated land, land held under a Certificate of Possession and land held under a section 28(2) Permit, as defined under the *Indian Act*.

“Site” means a lot or lots upon which work regulated under this bylaw and other applicable enactments is undertaken or intended to be undertaken and includes the Construction thereon.

“Standard Building” means a building of three storeys or less in building height, having a building area not exceeding 600 m<sup>2</sup> (6,458 sq. ft.) and used for major occupancies classified as:

- (1) residential occupancies;
- (2) business and Personal services occupancies;
- (3) mercantile occupancies; or
- (4) medium and low hazard industrial occupancies.

“Structure” means a Construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining Structures equal to or less than 1.2 m (4 ft.) in height.

“Swimming Pool” means any Structure or Construction, intended primarily for recreation or therapy, that is, or is capable of being filled with water to a depth of 600 mm (2 ft.) or greater.

“TteS” means Tk'emlúps te Secwépemc.

## **6. Prohibitions**

- (1) No Person shall, unless exempted by this bylaw or any other applicable enactment:
  - (a) commence or continue any Construction, including excavation or other work related to Construction, on any building or Structure, or change the occupancy of any building or Structure, unless the Plan Checker has issued a valid Permit for the work or occupancy;
  - (b) unless authorized in writing by the Plan Checker, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or certificate posted upon or affixed to any, building, Structure or Site pursuant to this bylaw or other applicable enactments; unless authorized in writing by the Plan Checker;
  - (c) perform any Construction that is substantially at variance with the approved design, plans, or specifications for a building, Structure or Structure for which a Permit has been issued by the Plan Checker, unless that variance has been approved in writing by the Plan Checker;
  - (d) occupy, use, or allow the occupancy or use of any building or part thereof, contrary to the terms of this bylaw or other applicable enactments or any Permit, certificate, decision, or any notice given or posted by the Plan Checker;



- (e) excavate or undertake Construction on, over or under Band Land without obtaining written approval from the Band;
  - (f) store any materials on, over or under Band Land without first obtaining written approval from the Band; or
  - (g) knowingly or recklessly submit false or misleading information to the Plan Checker in relation to any Permit application pursuant to this bylaw or other applicable enactment.
- (2) No Person having authority for Construction, on a Site shall cause, allow, or maintain any unsafe condition.
- (3) No Person shall interfere with or obstruct the entry of the Plan Checker, Building Official or other authorized official of the Band on property in the administration of this bylaw.

## **7. Authority of Plan Checker**

- (1) The Plan Checker:
- (a) may administer this bylaw;
  - (b) may enter any land, building, Structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this or any other Band bylaws are being observed;
  - (c) may keep records of Permit applications, Permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw;
  - (d) may establish whether the Construction of a building or Structure for which a Permit is sought or issued under this bylaw and other applicable enactments substantially conforms to the requirements of the Building Code; and
  - (e) shall carry proper credentials confirming his or her status as a Plan Checker.
- (2) The Plan Checker may order:
- (a) a Person who contravenes this bylaw to comply with the bylaw in a specified time period;
  - (b) the removal of any unauthorized encroachment on public property;

- (c) the removal of any building or part thereof constructed in contravention of this bylaw and other applicable enactments;
  - (d) the termination of any occupancy, in contravention of this bylaw and other applicable enactments; and
  - (e) the termination of any occupancy if in the opinion of the Plan Checker an unsafe condition exists because of Construction undertaken or not completed.
- (3) The Plan Checker may, before issuing an Occupancy Certificate, require the Owner to provide a professional engineer's or other appropriate certification, at the expense of the Owner, where in the opinion of the Plan Checker such evidence is necessary to determine that the requirements of this bylaw and other applicable enactments have been substantially complied with.
- (4) The Building Official may, in instances where a building Permit is applied for on land having no access to the Band's approved water supply system, require as a condition of issuance of a building Permit, that a covenant be registered against the property in the form of Appendix "B", attached to and forming part of this bylaw.
- (5) The Plan Checker may direct the immediate cessation or correction of all or any portion of the Construction on any Site, by attaching an order to that effect on such premises, when, in his or her opinion such work is not being performed substantially in accordance with the provisions of the Building Code, applicable enactments or any relevant bylaws of the Band. Such order shall remain posted on the premises until all work that is not being performed in accordance with the Building Code, applicable enactments or any relevant bylaws of the Band has been remedied to the satisfaction of the Plan Checker. No work, other than the required remedial measures, shall be carried out on the portion of the work affected by the order until such order has been removed, and shall only be removed by the Plan Checker in writing.

## **8. Duties and responsibilities of the Owner**

- (1) It is the Owner's responsibility, prior to commencing Construction to:
- (a) investigate the status of the Construction Site and ensure that any concerns relating to flooding, drainage, soil stability or other potential hazards are addressed;
  - (b) obtain a current state of title certificate from the Land's Department to determine whether there are encumbrances, which may affect the proposed Construction; and

- (c) investigate the availability, location and capacity of utility services to determine whether the proposed Construction can be accommodated and arrange the plumbing to suit the location of the connections provided for the lot in a manner satisfactory to the Building Official.
- (2) During Construction, the Owner shall:
- (a) allow the Plan Checker to enter the building or premises at any reasonable time for the purpose of administering or enforcing this or any other relevant Band bylaw;
  - (b) keep posted in a conspicuous place on the property in respect of which the Permit was issued, a copy of the Permit provided by the Plan Checker; and
  - (c) ensure that the reviewed plans and specifications on which the Permit is based are continuously available at the Site during working hours.
- (3) The Owner shall not continue building Construction beyond the foundation stage until:
- (a) a level of fire protection acceptable to the Fire Prevention Officer has been provided for the Construction phase of Complex Buildings; and
  - (b) the Owner has provided a current Certificate of Location by a registered British Columbia land surveyor to certify that the building and/or Structure under Construction is located on the property in compliance with Band regulations.

Notwithstanding the requirements of this subsection, where:

- (i) the building or Structure is located on a large parcel such that setback distances to the nearest property line are not a concern;
- (ii) the Owner has provided sufficient information to satisfy the Plan Checker that no utility rights-of-way or other encumbrances are present which may affect the building Site; and
- (iii) the Owner has determined that a Certificate of Location is not required for mortgage or other legal purposes;

- (4) The Owner, when required by the Plan Checker, shall uncover and replace at his or her own expense any work that has been covered contrary to an order issued by the Plan Checker.
- (5) The Owner when requested by the Plan Checker shall provide at his or her expense, tests or inspections necessary to establish substantial compliance with this bylaw and other applicable enactments in a form satisfactory to the Plan Checker.
- (6) The Owner when requested by the Plan Checker shall provide, in a form satisfactory to the Plan Checker, evidence to certify substantial compliance with the requirements of this bylaw and other applicable enactments and of any Permits issued.
- (7) The Owner shall ensure that all work is confined within the boundaries of the property on which the work is, or is to be located and does not adversely affect adjacent properties.
- (8) Damage to Band property.
  - (a) The Owner is responsible for the cost to repair any damage to Band property that may occur as a result of undertaking work for which a Permit was required under this bylaw and other applicable enactments, and for the purpose of this clause:
    - (i) "Band property" means all road allowances, land and assessments, with all works, utilities, Structures and appurtenances therein or thereon; and
    - (ii) "Damage" includes but is not limited to the placement, dropping or deposit of earth, debris, materials, objects or substances upon Band property, or surface scarring, cracking or breaking of pavement, curbing or sidewalks, or damage to utility systems within Band property.
  - (b) It shall be the responsibility of the Owner to observe the conditions of all Band properties adjacent to and surrounding the Site and report any existing damage to the Plan Checker prior to commencing work. Any damage observed by the Plan Checker during the Construction process or as part of the final inspection of the Site will be assumed to have resulted from the subject building Construction and therefore the Owner's responsibility to resolve unless reported as outlined above.
  - (c) In the event that damage which is the Owner's responsibility is not resolved by the Owner prior to issuance of the Occupancy Certificate, or within such other time limit set by the Plan Checker, and the damage

requires the involvement of Band work crews to resolve, the costs so incurred by the Band shall be paid by the Owner. Any costs not paid before December 31 of the calendar year may be added to that year's property taxes.

- (9) When a Site is in an unsafe condition, the Owner shall promptly take all action necessary to put the Site in a safe condition.
- (10) The Owner shall:
  - (a) prior to the occupancy or use of any building or Structure or part thereof, after completion of Construction of the building, or part thereof, including work required in connection with any change in classification of occupancy of any building, or part thereof, obtain from the Plan Checker an Occupancy Certificate; and
  - (b) prior to occupancy of the building, complete all Site work including paving, curbing and landscaping or otherwise satisfy the Plan Checker that the work in question will be completed by a specified date in accordance with Band bylaws.
- (11) Neither the issuance of a Permit under this bylaw and other applicable enactments nor the acceptance or review of plans, drawings, specifications, or supporting documents, nor any Monitoring conducted or inspections made by or on behalf of the Band shall in any way relieve the Owner and/or his or her Agent from full and complete responsibility to perform the work in strict accordance with this bylaw, the Building Code and other applicable enactments respecting health and safety.
- (12) Where, at the time of application for a building Permit, works and services exist on the land to be developed or within that portion of a highway immediately adjacent to the land up to the highway centre line, and if such works and services do not meet the minimum standards established by the Planning and Engineering Department, then as a condition of issuing a building Permit, the land Owner may be required to improve the substandard works and services to at least the minimum standards as required by the Planning and Engineering Department.
- (13) Where work is being done subject to a Permit under the provisions of this bylaw and other applicable enactments, the Owner or his or her Agent shall be completely responsible for any damage or cost to adjacent property arising out of or incidental to the work and shall save the Band harmless in this regard.

## **9. General Permit regulations**

- (1) A Permit is required whenever work regulated by this bylaw and other applicable enactments is to be undertaken.

- (2) Each building or Structure to be constructed on a Site requires a separate building Permit and shall be assessed a separate building Permit fee as determined in accordance with Appendix "A" attached to and forming part of this bylaw.
- (3) To obtain a Permit, the Owner or his or her Agent shall apply in writing on the form available from the Planning and Engineering Department.
- (4) The Plan Checker may require a registered professional to provide design and plan certification and field reviews supported by letters of assurance in the form of Schedules A, B, C-A and C-B as referred to in Section 2.6 of Part 2 of the Building Code, if in the opinion of the Plan Checker:
  - (a) the Site conditions, soil types, contours or drainage require special foundation design;
  - (b) the proposed building or Structure is not standard Construction; or
  - (c) the proposed building or Structure is of a category requiring professional design.
- (5) Sufficient information shall be filed with each application to clearly identify the property to be developed and to establish that the proposed work will substantially conform to this bylaw and other applicable enactments. Where required by the Plan Checker the Plan Checker, the Owner or his or her Agent shall provide a current title search for the subject property.
- (6) The Plan Checker may require an Owner to submit an up-to-date plan of survey by a registered British Columbia land surveyor which shall contain sufficient information regarding the Site and the location of any building or Structure to establish prior to Construction that requirements of this bylaw and any other applicable enactments will be complied with.
- (7) No Permit shall be issued until:
  - (a) off-Site utilities to service the subject property are completed to the approval of the Planning and Engineering and all appropriate connection fees or other Construction costs have been paid;
  - (b) the prescribed Permit fee as detailed in Appendix "A", attached to and forming part of this bylaw, has been paid;
  - (c) where required, security has been posted;

- (d) security in the form of cash or an irrevocable letter of credit for landscaping has been provided prior to the issuance of a building Permit for all uses other than single or two family dwellings; and
- (e) security in the form of cash or an irrevocable letter of credit has been provided for the repair of a highway, sidewalk, boulevard, public work or other municipal property that has been altered or damaged by an activity related to the subject matter of the building Permit during building Construction and Site development as follows:
  - (i) Single and two family building Permits - \$1,000
  - (ii) Multiple family, commercial and industrial building Permits - \$5,000
- (8) In instances where sanitary sewer is not available, no Permit will be issued until the Plan Checker is provided with written verification that the proposed sewage disposal system is Accepted by the First Nations Health Authority.
- (9) When:
  - (a) a completed application in compliance with Sections 11, 12, 13, 14, 15, 16 or 17 of this bylaw, including all required supporting documentation has been submitted and reviewed;
  - (b) the Owner or his or her Agent has paid all applicable fees set out in this bylaw;
  - (c) the Owner or his or her representative has paid all charges and met all requirements imposed by any other applicable statute or bylaw; and
  - (d) no covenant, agreement, or regulation of the Band authorizes the Permit to be withheld; then

the Plan Checker shall issue the Permit for which the application is made

- (10) The Plan Checker may issue, at the risk of the Owner, a Permit for the Construction of a portion of a building or Structure prior to all required plans and specifications for the whole building or Complex Building have been submitted or reviewed, provided:
  - (a) plans and specifications for the portion in question have been submitted in sufficient detail to satisfy the Building Official that the work to be done will substantially comply with all requirements of the Building Code and any other applicable enactment; and

- (b) adequate information and detailed statements have been filed to the extent that the Plan Checker is satisfied the remainder of the building or Structure will substantially comply with all applicable enactments.
- (11) The issuance of a Permit for a portion of a building or Complex Building notwithstanding, the requirements of this bylaw and other applicable enactments apply to the remainder of the building or Structure, as if the Permit had not been issued.
  - (12) No Permit shall be issued for the Construction of an accessory building or Structure on any Site, unless the principal building to which the accessory building or Structure is an accessory, has been constructed, or will be constructed simultaneously with said accessory building or Structure.
  - (13) Notwithstanding the provisions of this division, accessory buildings on residential property which do not exceed 10m<sup>2</sup> (108 sq. ft.) in building area, may be placed or constructed without building inspections. A siting Permit shall be required.
  - (14) Every Permit is issued upon the condition that the Permit shall expire and the rights of the Owner under the Permit shall terminate if the work authorized by the Permit is not commenced within six (6) months or is not completed within two (2) years of the issuance of a Permit.
  - (15) The Plan Checker may grant a renewal Permit for a further one (1) year period if he is satisfied the Construction is progressing in accordance with the Accepted plans at a reasonable rate of progress. A Permit renewal fee shall be paid in accordance with Appendix "A", attached to and forming part of this bylaw.
  - (16) The Plan Checker may refuse to issue a Permit if:
    - (a) the information submitted is inadequate to determine compliance with, or is contrary to the provisions of this bylaw or any other enactment;
    - (b) the information submitted is incorrect; or
    - (c) issuance is prohibited by or is contrary to a provision of this bylaw or any other enactment.
  - (17) The Building Official may revoke a Permit where:
    - (a) there is a contravention of any term or condition under which the Permit was issued;



- (b) there is a contravention of any provision of the Building Code or other applicable enactment; or
- (c) the Permit was issued on the basis of incorrect information supplied by the applicant.

The Permit holder shall be notified in writing of the revocation.

- (18) Except for single and two family dwellings or as otherwise specified in this bylaw and other applicable enactments, every building Site shall be graded so that surface water accumulated thereon is substantially contained on Site and disposed of by connection to the Band storm drain or other method of disposal acceptable to the Building Official.
- (19) 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.
- (20) Regulations Governing Construction in Flood Plain
  - (a) Prior to the issuance of a building Permit for work within a Flood Plain where:
    - (i) the work to be carried out constitutes a new building or an addition to an existing building which will be a finished floor area twenty-five (25) per cent or larger than the existing finished floor area; and
    - (ii) no other Flood Plain covenant is registered on the title of the subject property,  
  
the Owner, as a condition of issuance of the building Permit, must enter into a covenant registerable under the Land Title Act which shall indemnify the Band in the event of future property damage as a result of flood conditions. The covenant shall be in the form of Appendix "C", attached to and forming part of this bylaw.
  - (b) The Owner shall provide proof of registration of the covenant required under Subsection (9)(20)(a) prior to the issuance of a building Permit.
  - (c) Notwithstanding the provisions of Section (9)(20), 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.

- (21) A registered professional shall undertake the design and conduct field reviews of the Construction of a retaining Structure greater than 1.2 m (4 ft.) in height. Sealed copies of the design and plan certification and field reviews by means of letters of assurance in the form of Schedule B and C-B as referred to in Section 2.6 of Part 2 of the Building Code shall be submitted to the Building Official.
- (22) For the purpose of identification, and as a condition of occupancy, every parcel of real property containing a Structure must display the street number of the property in a manner that is legible from the adjacent public roadway.
- (23) Where the Band has caused a notice to be filed on the title of a property, the notice may be removed provided:
  - (a) the Owner has obtained a new Permit for the correction of the Construction;
  - (b) the deficient Construction has been corrected and completed so that the conditions which gave rise to the filing of the notice have been rectified; and
  - (c) the Owner has paid a title notice removal fee in accordance with Appendix "A", attached to and forming part of this bylaw.
- (24) No Person shall rely upon any Permit as establishing compliance with this bylaw and other applicable enactments or assume or conclude that this bylaw and other applicable enactments has been administered or enforced according to its terms. The Person to whom the building Permit is issued and his or her Agents are responsible for making such determination.

**10. Earthwork Permits**

- (1) Except as provided in Section 10(2), no Person shall move, deposit or remove soils, from any lands within the Reserve without first having applied for and obtained a Permit to do so from the Plan Checker.
- (2) Nothing in this bylaw shall be construed so as to apply to any Person engaged in the normal maintenance of underground facilities;
- (3) Every application for an Earthwork Permit shall be made in writing to the Plan Checker and shall include the following:
  - (a) The purpose for which the earthwork will be carried out;
  - (b) The legal description and the area of the property or properties upon which the earthwork will take place;

- (c) The quantity of soil to be removed, deposited or moved;
  - (d) A plan showing proposed drainage control during the operation and proposals for drainage of the Site after completion of the operation;
  - (e) A plan showing location of any proposed stock piles and buildings;
  - (f) The written consent of all Persons having an interest in the land upon which the earthwork is to be undertaken;
  - (g) The date of commencement of the earthwork and the duration thereof;
  - (h) Such other information as may be required by the Plan Checker;
  - (i) A written description of the proposed method of access to the Site, proposed public safety precautions, methods of dust control, as well as a proposed program for clean up of the access route and restoration of the lands. Wherever practical the applicant should provide plans to supplement the written description.
- (4) The explanatory statements or specifications submitted with any plans shall be certified and signed by the applicant.
- (a) Upon receiving an application for a Permit under this bylaw, the Plan Checker may inspect the subject lands and determine that the Site conditions are compatible with the proposed earthwork before a Permit is approved.
  - (b) Where required by the Plan Checker, the applicant shall, at its expense and prior to Permit approval, undertake geotechnical investigations of the Site of the proposed work and file a copy of the report of such investigations with the Plan Checker. The geotechnical investigations shall include inter alia, design recommendations pertaining to such matters as final slopes, compaction of fill, drainage measures, etc.
- (5) Notwithstanding anything contained in the application form or accompanying documents, every Permit issued pursuant to this bylaw shall be subject to the following conditions:
- (a) All earthwork undertaken pursuant to this bylaw shall be done according to the terms of approval of the Plan Checker who may require a professional engineer to supervise the work.

- (b) The earthworks shall be such that positive gravity drainage is at all times assured and drainage of adjacent Sites is not interrupted.
- (c) All damage to Reserve drainage facilities, roads, lanes or other Reserve-owned property which, in the judgment of the Planning & Engineering Department, has been caused by the operation for which the Permit was issued, shall be repaired at the expense of or by the Permit holder. All such repairs shall be completed to the satisfaction of the Planning & Engineering Department, and until so completed shall be a just and proper charge against the Bond deposited pursuant to Section 10(3) of this bylaw.

Without limiting the generality of the foregoing, the obstruction of Reserve drainage facilities by deposit of silt, clay, sand, rubble, debris, gravel and any other matter or thing originating from the soil removal operation shall be considered as damage under this Section.

- (d) All earthwork shall be subject to a continuous program of dust control to the satisfaction of the Plan Checker.
- (6) Stockpiles shall be confined to the location prescribed and shall be maintained so that they do not adversely affect or damage adjacent property, and in no case shall the height of any stockpile exceed 3 m unless otherwise approved in writing by the Plan Checker.
  - (7) As soon after completion of the earthwork as practicable and in no event longer than one year, all surfaces of excavations created by the earthwork shall:
    - (a) be graded or sloped so that no gradient shall be steeper than 1—1/2 to 1, or as directed by the Plan Checker.
    - (b) be covered with topsoil and hydro-seeded or otherwise treated as required by the Plan Checker to encourage growth or regrowth of vegetation and control surface erosion;
    - (c) be provided with adequate surface drainage facilities.
  - (8) The terms of any Permit issued pursuant to this bylaw shall be as directed by the Plan Checker to allow sufficient time for the earthwork to be completed, but in any event shall not exceed one year.
  - (9) No Person shall deposit upon or remove from any parcel of land a greater quantity of soil than the amount specified in the applicable Permit without first having received the written approval of the Plan Checker to amend the said Permit.

- (10) No Person shall waste, lend, sell, give or otherwise dispose of soil supplied by the Band or Permit soil supplied by the Band to be taken or carried away for the use or benefit of others, without first obtaining written permission from the Band.
- (11) The Plan Checker shall have the right at all times to enter upon and inspect all lands and premises for which a valid Permit has been issued pursuant to the terms of this bylaw.
- (12) At any time during the operation of the earthwork, the Plan Checker may give notice in writing that the operation or any part thereof is in contravention of this bylaw, and may further require that all work be discontinued until the applicant has complied with the conditions of the bylaw.
- (13) All earthworks applications shall:
  - (a) be approved by the Natural Resource Department;
  - (b) At the cost of the applicant, when required, there must be a TteS archaeological Monitor present;
  - (c) In the event that archaeological materials are discovered during earthworks, all work must stop, the Tk'emlúps te Secwépemc Archaeological Chance Find Procedure applies and the Natural Resource Department must be contacted;
  - (d) If the earthwork soils contain cultural materials they are to remain on Site.
  - (e) For land-altering activities outside of known site areas it is important to note that work in the area of the discovery must stop immediately no matter what type of archaeological material or feature has been encountered by the proponent or their contractors as per Section 9 (1) of the *Tk'emlúps te Secwepemc Heritage Conservation By-law 1997*.
  - (f) The Tk'emlúps te Secwépemc Ancestral Remains Policy and Procedures must be followed when remains or potential remains are identified.
- (14) Any soils removed for earthworks remain property of the band and cannot be sold.

- (15) On completion of the earthwork, and prior to the approval of any further work or the issuance of any further Permits for the property, the holder of a Permit shall submit to the Plan Checker a report which shall confirm that the earthwork was carried out and completed in accordance with the conditions of the Permit.
- (16) Notwithstanding Section 10.(12), failure to comply with any of the terms and conditions of this section shall be considered an offence against the bylaw for which the bond deposited pursuant to Section 10.(3) or any part or parts thereof may be forfeited.

## **11. Plumbing**

- (1) Application for a Permit shall be in writing on the form available from the Planning and Engineering Department, and shall:
  - (a) be signed by the Owner or his Agent;
  - (b) state the number of fixtures to be installed in the building;
  - (c) state the length of building sewer, building storm sewer and water service pipe;
  - (d) include specifications and drawings made to a suitable scale, for the plumbing system with respect to multi-family, institutional, commercial and industrial buildings showing:
    - (i) Site services, including size and location of pipes;
    - (ii) Site drainage, including size and location of pipes, catch basins and dry wells;
    - (iii) total fixture load on sanitary sewer and water supply systems;
    - (iv) sanitary riser diagram complete with fixture loads at the base of stacks; and
    - (v) rainwater leaders, size of pipe and area of roof drained;
  - (e) contain any and all other information necessary to establish substantial compliance with this bylaw and other applicable enactments; and
  - (f) include mechanical drawings designed by a registered professional, for Complex Buildings, and buildings with complex plumbing systems as determined by the Building Official.

- (2) No Permit shall be required for the repair of leaks in water pipes or the replacing of plumbing fixtures provided that such fixtures and the installation thereof substantially conforms with all other requirements of this bylaw, Building Code, and other applicable enactments. In addition, no Permit shall be required for the removal of stoppages in drains provided that clean-outs are utilized for such purpose and it is not necessary to cut any sewer or drain pipe.
- (3) There shall be separate connections to Band utilities for each separate parcel of land within the Band connected to such utilities.
- (4) Except where specifically required by the Band and where a legal right-of-way has been obtained and such plans are Accepted by the Planning and Engineering Department no plumbing system, drainage system, house sewer, private sewage disposal system or parts thereof, shall be located in any lot other than the property which is the Site of the building, Structure, or premises serviced by such facilities.
- (5) No sewage or effluent from a building or Structure shall pass through any septic tank or rock pit before entering the Band sanitary or storm sewer system.
- (6) Where a building is demolished or removed from its Site the Planning & Engineering Department shall determine the extent of work and the costs involved to seal, remove or leave in place the sanitary sewer, storm sewer and water service connections. Any work required shall be carried out by Band work crews at the Owner's expense.
- (7) Water service lines shall be installed at a minimum depth of 1.5 m (5ft.).
- (8) Sanitary sewer service lines shall be installed at a minimum depth of 1.0m (3.28 ft.).

## **12. Swimming Pools**

- (1) No Person shall commence or continue any work related to the Construction of a Swimming Pool or related ancillary equipment unless a valid Permit has been issued by the Band.
- (2) Every application for a Permit shall be accompanied by the following material in duplicate:
  - (a) a plot plan showing the location of the proposed Swimming Pool and ancillary buildings relative to lot boundaries, existing buildings and Structures, existing and proposed fences, and retaining walls;

- (b) plans and sections adequately describing Construction of the proposed Swimming Pool and ancillary equipment including all water supply piping, waste piping and appurtenances;
  - (c) details of water supply and method of disposal of waste water from backwashing and draining of the Swimming Pool
  - (d) proposed fence Construction in sufficient detail to show compliance with the requirements of this bylaw and other applicable enactments; and
  - (e) such other additional information as may be required by the Building Official.
- (3) The provisions of Section 9(4) of this bylaw apply to applications under this division.
- (4) No pool to be designed with direct connection from the domestic water supply below the flood level of the pool unless protected by an approved backflow prevention device.
- (5) There shall be no direct connection between any domestic water supply line and any circulating pump, filter or other apparatus or device that comes in contact with the water in or from the pool. Re-circulating systems shall take the water supply to the pool from an open surge tank or other system Accepted by the Building Official. The supply to the surge tank shall be above the flood level of the tank, in such manner as to prevent water from the tank from entering the supply line.
- (6) Every pool shall be capable of being drained into a sanitary sewer or other means acceptable to the Building Official.
- (7) No direct connection shall be made between any sewer or any other drainage system and any line connected to a Swimming Pool.
- (8) Every below grade pool shall be surrounded by a non-slip walkway, designed so that surface water shall drain away from the pool.
- (9) Every Swimming Pool located on the Reserve shall be totally enclosed by a fence, a building, or a combination of a fence and a building, which meets the following requirements:
- (a) Fences shall be not less than 1.5 m (4.9 ft.) high. The base of every fence shall be not more than 100 mm (4 in.) above the ground or any higher adjacent grade;
  - (b) Fences shall not have openings:



- (i) larger than 100 mm (4 in.) if the boards are oriented vertically;
    - (ii) larger than 13 mm (1/2 in.) if the boards are oriented horizontally or on a diagonal; or
    - (iii) larger than 50 mm (2 in.) if chain link wire mesh is used.
  - (c) Fences constructed from chain link mesh shall be constructed using wire no smaller than No. 11 gauge;
  - (d) No framing elements shall be located on the outside of the fence between 200 mm (8 in.) and 1.0 m (3.3 ft.) above ground level or any higher adjacent grade;
  - (e) Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with self-latching devices located on the Swimming Pool side of the fence and at a height of at least 1.0 m (3.3 ft.) above grade or on the outside of the fence at 1.5 m (4.9 ft.) above grade.
  - (f) The Swimming Pool fence enclosure shall be completed in accordance with the Accepted plans and specifications. It shall be the Owner's responsibility to ensure that the Swimming Pool area is maintained in a safe, secure condition during the Construction period and until a permanent enclosure Accepted by the Building Official is in place.
- (10) Pools shall be located subject to the following minimum setback requirements:
- (a) Pool equipment which is housed in a building, or is intended to be housed in a building, shall be subject to the same siting requirements as other accessory buildings.
  - (b) No setbacks are required between pools, pool equipment and other accessory buildings or Structures.
  - (c) Walkways, decks, patios, or like Structures which surround or abut a pool and do not exceed 0.6 m (2 ft.) above grade are not subject to setback requirements.

### **13. Complex Buildings**

- (1) An application for a building Permit with respect to a Complex Building shall:

- (a) be submitted to the Plan Checker in the form provided by the Plan Checker and signed by the Owner, or a signing officer if the Owner is a company;
- (b) be accompanied by the Owner's acknowledgment of responsibility and undertakings made in the form attached as Appendix "E" to this bylaw signed by the Owner, or a signing officer if the Owner is a company;
- (c) include a copy of a title search made within thirty (30) days of the date of the application;
- (d) include Site plans drawn to suitable scale and referenced to the current registered legal survey for the subject property and shall show:
  - (i) the legal description and civic address of the parcel;
  - (ii) by dimensions from property lines, the location of any proposed building or Structure;
  - (iii) means of access and egress to service the property and a detailed parking layout;
  - (iv) by dimension from property lines, the location of any other existing building or buildings on the Site;
  - (v) existing and finished ground levels to an established datum;
  - (vi) all easements and rights-of-way whether registered or not, and the setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vii) for other than single and two family dwellings, lot coverage and floor area ratio calculation;
  - (viii) for other than single and two family dwellings, provision for garbage containers, proposed method of screening and a detailed landscape treatment for the Site;
  - (ix) and the Plan Checker may waive the requirements for a Site plan, in whole or in part, where the Permit is sought for the repair or alteration of an existing building or Structure.
- (e) include building plans drawn to suitable scale showing sufficient information to determine substantial compliance with this bylaw and other applicable enactments including but not limited to:

- (i) foundation plans;
  - (ii) floor plans showing the dimensions and uses of all areas;
  - (iii) the dimensions and height of crawl and roof spaces;
  - (iv) the location, size and swing of doors;
  - (v) the location, size and opening of windows;
  - (vi) floor, wall, ceiling and roof finishes;
  - (vii) components of fire protection including;
    - a. firewalls
    - b. degree of fire separation of storeys, shafts and rooms
    - c. fire detection, suppression and alarm system
  - (viii) plumbing fixtures;
  - (ix) structural, mechanical, and electrical elements;
  - (x) stair, handrail, and guard dimensions;
  - (xi) a cross section, through the building or Structure illustrating foundations, drainage, ceiling heights and Construction systems;
  - (xii) elevations of all sides of the building or Structure showing finishes, roof slopes, rooftop equipment screening, windows, doors, and finished grade; and
  - (xiii) cross-sectional details drawn at sufficient locations to illustrate that the building or Structure substantially conforms to the Building Code;
- (f) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal Permits, highway access Permits and Ministry of Health approval;
- (g) include a letter of assurance in the form of Schedule A as referred to in Section 2.6 of Part 2 of the Building Code, signed by the Owner, or a signing officer of the Owner if the Owner is a company, and the coordinating registered professional;

- (h) include letters of assurance in the form of Schedule B as referred to in Section 2.6 of Part 2 of the Building Code, each signed by such registered professionals as the Building Official or Building Code may require to prepare the design for and conduct field reviews of the Construction of the building or Structure;
  - (i) include two copies of specifications and four sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in Sections 11(1)(e) of this bylaw; and
  - (j) include any other information required by the Plan Checker or the Building Code to establish substantial compliance with this bylaw, the Building Code, and other applicable enactments relating to the building or Structure.
- (2) In addition to the requirements of Section 13(1)(e), the following may be required by the Plan Checker to be submitted with a building Permit application for the Construction of a Complex Building where the complexity of the proposed building or Structure or siting circumstances warrant:
- (a) Site servicing drawings, including sufficient detail of off-Site services to indicate locations at the property line, prepared and sealed by a registered professional;
  - (b) a section through the Site showing grades, buildings, Structures, parking areas and driveways;
  - (c) or a roof plan and roof height calculations;
  - (d) structural, electrical, mechanical, or fire suppression drawings prepared and sealed by a registered professional;
  - (e) letters of assurance in the form of Schedule B as referred to in Section 2.6 of Part 2 of the Building Code, signed by the registered professional; or
  - (f) any other information required by the Plan Checker or the Building Code to establish substantial compliance with this bylaw, the Building Code, other bylaws, and other applicable enactments relating to the building or Structure.

#### **14. Standard Buildings**

- (1) An application for a building Permit with respect to a Standard Building shall:

- (a) be submitted to the Plan Checker in the form provided by the Plan Checker and signed by the Owner, or a signing officer if the Owner is a company;
- (b) be accompanied by the Owner's acknowledgment of responsibility and undertakings made in the form provided by the Plan Checker, signed by the Owner, or signing officer if the Owner is a company;
- (c) include a copy of a title search made within thirty (30) days of the date of the application;
- (d) include Site plans drawn to suitable scale and referenced to the current registered legal survey for the subject property and shall show:
  - (i) the legal description and civic address of the parcel;
  - (ii) by dimensions from property lines, the location of any proposed building or Structure;
  - (iii) means of access and egress to service the property and a detailed parking layout;
  - (iv) by dimension from property lines, the location of any other existing building or buildings on the Site;
  - (v) existing and finished ground levels to an established datum;
  - (vi) all easements and rights-of-way whether registered or not, and the location of natural water courses;
  - (vii) for other than single and two family dwellings, lot coverage and floor area ratio calculation;
  - (viii) for other than single and two family dwellings, provision for garbage containers, proposed method of screening and a detailed landscape treatment for the Site;
  - (ix) and the Plan Checker may waive the requirements for a Site plan, in whole or in part, where the Permit is sought for the repair or alteration of an existing building or Structure.
- (e) include building plans drawn to suitable scale showing sufficient information to determine compliance with this bylaw and other applicable enactments including but not limited to:

- (i) foundation plans;
  - (ii) floor plans showing the dimensions and uses of all areas;
  - (iii) the dimensions and height of crawl and roof spaces;
  - (iv) the location, size and swing of doors;
  - (v) the location, size and opening of windows;
  - (vi) floor, wall, ceiling and roof finishes;
  - (vii) components of fire protection including;
    - a. firewalls
    - b. degree of fire separation of storeys, shafts and
    - c. rooms fire detection, suppression and alarm system
  - (viii) plumbing fixtures;
  - (ix) structural, mechanical and electrical elements;
  - (x) stair dimensions;
  - (xi) a cross section, through the building or Structure illustrating foundations, drainage, ceiling heights and Construction systems;
  - (xii) elevations of all sides of the building or Structure showing finishes, roof slopes, rooftop equipment screening, windows, doors, and finished grade; and
  - (xiii) cross-sectional details drawn at sufficient locations to illustrate that the building or Structure substantially conforms to the Building Code;
- (f) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal Permits, highway access Permits and Ministry of Health approval;
  - (g) include two sets of drawings for single and two family dwellings and four sets of drawings for all other Standard Buildings at a suitable scale including the information set out in Section 14(1)(e) of this bylaw; and

- (h) include any other information required by the Plan Checker or the Building Code to establish substantial compliance with this bylaw, the Building Code, and other applicable enactments relating to the building or Structure.
- (2) In addition to the requirements of Section 14(1)(d), the following may be required by the Plan Checker to be submitted with a building Permit application for the Construction of a Standard Building where the complexity of the proposed building or Structure or siting circumstances warrant:
- (a) Site servicing drawings, including sufficient detail of off-Site services to indicate locations at the property line, prepared and sealed by a registered professional;
  - (b) a section through the Site showing grades, buildings, Structures, parking areas and driveways;
  - (c) a roof plan and roof height calculations;
  - (d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
  - (e) letters of assurance in the form of Schedule B as referred to in Section 2.6 of Part 2 of the Building Code, signed by the registered professional; or
  - (f) any other information required by the Plan Checker or the Building Code to establish substantial compliance with this bylaw, the Building Code, and any other bylaw or enactments relating to the building or Structure.

## **15. Relocation of a building or Structure**

- (1) An application for a Permit with respect to the relocation of a building shall:
- (a) be submitted to the Plan Checker in the form provided by the Plan Checker and signed by the Owner, or a signing officer if the Owner is a company;
  - (b) be accompanied by the Owner's acknowledgement of responsibility and undertakings made in the form provided by the Plan Checker, signed by the Owner or signing officer if the Owner is a company;
  - (c) include a copy of a title search made within thirty (30) days of the date of the application;

- (d) include Site plans drawn to suitable scale and referenced to the current registered legal survey for the subject property and shall show:
  - (i) the legal description and civic address of the parcel;
  - (ii) by dimensions from property lines, the location of any proposed building or Structure;
  - (iii) means of access and egress to service the property and a detailed parking layout;
  - (iv) by dimension from property lines, the location of any other existing building or Structure on the Site;
  - (v) existing and finished ground levels to an established datum;
  - (vi) all easements and rights-of-way whether registered or not, and the location of natural water courses;
  - (vii) for other than single and two family dwellings, lot coverage and floor area ratio calculation; and
  - (viii) for other than single and two family dwellings, provision for garbage containers, proposed method of screening and a detailed landscape treatment for the Site.
- (2) No Person shall relocate a residential building or any part thereof to another parcel of land within the Reserve unless it can be shown to the satisfaction of the Plan Checker that the dwelling, once re-established on the proposed Site, will have an assessed value not less than the average assessed value of all dwellings situated within 50 m (164 ft.) in any direction of the proposed site.
- (3) Every application for a Permit to relocate a building or Structure shall:
  - (a) identify the existing location of the building or Structure and proposed location to which the building or Structure is to be moved;
  - (b) provide written verification that the time, manner and route of the move have been Accepted by the Planning and Engineering Department Manager and the R.C.M.P. (Rural Detachment) and the Ministry of Transportation when applicable; and
  - (c) provide written verification by the appropriate utility authorities that all utility services have been disconnected and/or sealed as required.



- (4) Every application for a Permit to relocate a building or Structure shall be accompanied by security in a form acceptable to the Plan Checker, and in an amount equal to the estimated cost of completing the building or Structure in its new location. The amount so estimated shall be acceptable to the Plan Checker, but in no case shall the security be less than five thousand dollars (\$5,000.00).
- (5) Should a building or Structure which has been relocated subject to the provisions of this division not be completed within one year from the date of issuance of the Permit, the Plan Checker may send a written notice to the Owner stating that the building does not comply with this bylaw and other applicable enactments and direct the Owner to remedy the non-compliance within thirty (30) days from the date of service of the notice. If the non-compliance is not remedied within the period of thirty (30) days, the Plan Checker may draw upon the security on deposit and take whatever action is necessary to effect completion of the building and Site.

## **16. Demolitions**

- (1) An application for a Permit with respect to a demolition shall:
  - (a) be submitted to the Plan Checker in the form provided by the Plan Checker and signed by the Owner, or a signing officer if the Owner is a company;
  - (b) be accompanied by the Owner's acknowledgement of responsibility and undertakings made in the form provided by the Plan Checker, signed by the Owner, or signing officer, if the Owner is a company;
  - (c) include a copy of a title search made within thirty (30) days of date of the application;
  - (d) include Site plans shall be drawn to a suitable scale and referenced to the current registered legal survey for the subject property and shall show:
    - (i) the legal description and civic address of the parcel;
    - (ii) location of any existing building or Structure on the Site; and
    - (iii) identify the building or buildings to be demolished.
- (2) Every Person making application for a Permit to demolish a building or Structure shall, as part of his application, provide the Plan Checker with satisfactory evidence that:

- (a) no unsafe condition will be created or Permitted; and
  - (b) provide written verification by the appropriate utilities authorities that all utility services to the building have been disconnected and/or sealed as required.
- (3) Before issuing a Permit to demolish any building or Structure, the Plan Checker may demand, as a condition of issuance that security be provided in a form satisfactory to the Plan Checker 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 and shall be acceptable to the Plan Checker. In the event that the Site is not properly restored to a standard satisfactory to the Plan Checker, the Plan Checker may send written notice to the Owner requiring that the Site be properly restored within thirty (30) days from the date of service of the notice. If the restoration is not carried out within the period of thirty (30) days the Plan Checker may draw upon the security on deposit and take whatever action is necessary to effect restoration of the Site.

## **17. Temporary buildings**

- (1) The word "temporary", as used in this subsection, shall mean a period not exceeding one (1) year.
- (2) An application for a Permit with respect to a temporary building or Structure shall:
  - (a) be submitted to the Plan Checker in the form provided by the Plan Checker and signed by the Owner, or a signing officer if the Owner is a company;
  - (b) include a copy of a title search made within thirty (30) days of the date of the application;
  - (c) include Site plans drawn to suitable scale and referenced to the current registered legal survey for the subject property and shall show:
    - (i) the legal description and civic address of the parcel;
    - (ii) by dimensions from property lines, the location of proposed building or Structure;
    - (iii) means of access and egress to service the property and a detailed parking layout;

- (iv) by dimension from property lines, the location of any other existing building or Structure on the Site;
  - (v) existing and finished ground levels to an established datum;
  - (vi) all easements and rights-of-way whether registered or not, and the location of natural water courses;
  - (vii) for other than single and two family dwellings, lot coverage and floor area ratio calculation; and
  - (viii) for other than single and two family dwellings, provision for garbage containers, proposed method of screening and a detailed landscape treatment for the Site.
- (3) Security in a form and amount satisfactory to the Building Official but in any event not less than two thousand dollars (\$2,000.00) in value, to guarantee that the building or Structure will be removed from the Site within the time limit indicated.
  - (4) Temporary buildings shall comply with the requirements of this bylaw and other applicable enactments and the siting requirements of the Planning and Engineering Department.

**18. Fences**

- (1) In all residential properties, no fences shall be less than 1 m high or a maximum of 2 m high.

**19. Professional design and field review**

- (1) When the Plan Checker considers that the Site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional to provide design and plan certification and field review supported by letters of assurance in the form of Schedules A, B and C-B referred to in Section 2.6 of Part 2 of the Building Code.
- (2) Prior to the issuance of an Occupancy Certificate for the Complex Building, or Standard Building in circumstances where letters of assurance have been required in accordance with Sections 9(4), 9(21), 13(1)(g), 13(1)(h), 14(2)(e) or 19(1) of this bylaw the Owner shall provide the Band with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Section 2.6 of Part 2 of the Building Code.

- (3) When a registered professional provides letters of assurance in accordance with Sections 9(4), 9(21), 13(1)(g), 13(1)(h), 14(2)(e) or 19(1) or 19(2) of this bylaw, he or she shall also provide proof professional liability insurance to the Plan Checker in the form of Appendix "D" attached to and forming part of this bylaw.

## **20. Professional plan certification**

- (1) The letters of assurance in the form of Schedule B referred to in Section 2.6 of Part 2 of the Building Code and provided pursuant to Sections 9(4), 9(21), 13(1)(g), 13(1)(h), 14(2)(e) or 19(1) of this bylaw are relied upon by the Band and its Building Officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety.
- (2) A building Permit issued pursuant to the requirements of this bylaw and other applicable enactments shall include a notice to the Owner that the building Permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building Permit comply with the Building Code and other applicable enactment relating to safety.
- (3) When a building Permit is issued in accordance with the requirements of this bylaw and other applicable enactments the Permit fee shall be reduced by five per cent of the fees payable pursuant to Appendix "A" attached to and forming part of this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

## **21. Inspections**

- (1) When a registered professional provides letters of assurance in accordance with Sections 9(4), 9(21), 13(1)(g), 13(1)(h), 14(2)(e) or 19(1) or 19(2) of this bylaw, the Band will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to Section 19(2) of this bylaw as certification that the Construction substantially conforms to the design, plans and specifications and that the Construction complies with the Building Code, this bylaw and other applicable enactments.
- (2) Notwithstanding Section 21(1) of this bylaw, the Plan Checker may attend the Site of the Construction from time to time during the course of Construction to ascertain that the field reviews are taking place and to Monitor the field reviews undertaken by the registered professionals.
- (3) The Plan Checker may attend periodically at the Site of the Construction of Standard Buildings or Structures to ascertain whether the Health and Safety Aspects of the Work are being carried out in substantial conformance with

those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.

- (4) The Owner, or his or her Agent, shall give a minimum of one working days' notice to a certified Building Official of the following aspects of the work:
- (a) of intent to do work that has been ordered by the Building Official during Construction;
  - (b) of intent to cover work that has been ordered by the Building Official to be inspected prior to covering;
  - (c) when work has been completed so that a final inspection can be made;
  - (d) and, 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 therein;
    - (ii) when foundation concrete, damp proofing, waterproofing and perimeter drains are complete, but prior to any backfill being placed;
    - (iii) when all pipes, joints and fittings connecting the building or Structure to the sewer connection or private disposal system and the water supply have been completed but prior to any backfill being placed;
    - (iv) when framing and sheathing of the building are complete, including the installation of roof membrane, all exterior doors and windows, fire-stopping, bracing, chimneys, structural iron, stairs, ductwork, rough plumbing, wiring and gas venting, but before any insulation, drywall, or other interior or exterior finish is applied, which would conceal such work;
    - (v) when exterior stucco wire and flashing is complete but prior to placement of any scratch coat thereon;
    - (vi) when insulation and vapour barrier are complete but prior to placement of any finish thereon;
    - (vii) when the plumbing system, including interior water supply and drain waste and vent piping are complete and under normal pressure, but before any such plumbing is covered;

- (viii) during the Construction of any masonry fireplace:
    - a. when cantilevered hearth forms are in place, but prior to pouring concrete;
    - b. at the smoke chamber stage;
    - c. for a free-standing masonry chimney, at the thimble stage;
    - d. before any factory-built or Site constructed fireplace or chimney is enclosed by combustible material; and
    - e. before the chimney cap is placed on a masonry chimney; and
  - (ix) when all fixtures, devices, attachments and appurtenances of the building plumbing system are complete; and
  - (x) when all work is complete but prior to occupancy.
- (5) In the case of a Standard Building, the Owner, or his or her Agent, shall obtain an inspection of the work under Section 21(4) and prior to concealing the work, shall receive a Building Official's acceptance of the work.
- (6) For greater certainty, in the case of Complex Buildings, the requirement under Section 21(4) to notify the Band of the listed stages of Construction does not oblige the Band to attend the Site for inspections, Monitoring or any other purpose.

## **22. Occupancy certificate**

- (1) No Person shall occupy a building or Structure or any part thereof until an Occupancy Certificate has been issued.
- (2) An Occupancy Certificate shall not be issued unless:
  - (a) all letters of assurance have been submitted when required in accordance with Sections 8(4), 8(21), 11(1)(g), 11(1)(h), 12(2)(e), 16(1) or 16(2) of this bylaw; and
  - (b) all aspects of the work requiring inspection and acceptance pursuant to Section 21(4) of this bylaw have been inspected and Accepted.

- (3) The Plan Checker may issue an occupancy approval for part of a building or Structure when that part of the building or Structure is self-contained, provided with essential services and meets health and safety requirements.

### **23. Fees and charges**

- (1) In addition to applicable fees and charges required under other bylaws, a Permit fee, calculated in accordance with Appendix "A", attached to and forming part of this bylaw, shall be paid in full upon issuance of any Permit under this bylaw.
- (2) the application processing fee as set out in Appendix "A" shall accompany an application made for a building Permit.
  - (a) The Permit application fee is non-refundable.
  - (b) An application shall be cancelled and the Permit application fee forfeited if the Permit has not been issued and the Permit fee paid within 6 months of the date of written notification to the Owner that the Permit is ready to be issued.
  - (c) When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- (3) The Owner may obtain a refund of the Permit fees set out in Appendix "A", attached to and forming part of this bylaw, when a Permit is surrendered and cancelled before any Construction begins. The refund shall not include the Permit application fee paid pursuant to Section 23(2) of this bylaw.
- (4) Where, due to non-compliance with this bylaw and other applicable enactments, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Appendix "A", attached to and forming part of this bylaw, shall be paid prior to additional inspections being performed.
- (5) Where a required inspection is requested to be done after the hours during which the offices of the Band are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Appendix "A", attached to and forming part of this bylaw.
- (6) The security deposits prescribed in this bylaw will be returned if the work is completed for which the Permit has been issued and the Owner receives a final inspection report, or occupancy certificate.

## **24. Disclaimer of warranty or representation**

- (1) Neither the issuance of a Permit under this bylaw and other applicable enactments nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any Monitoring conducted or inspections made by or on behalf of the Band constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw or other applicable enactments respecting safety have been complied with.

## **25. Penalties and enforcement**

- (1) Every Person violating any provision of this bylaw commits an offence punishable on summary conviction to a fine of not less than one hundred dollars (\$100.00) or more than ten thousand dollars (\$10,000.00) or to imprisonment of not more than six (6) months for each offence. A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.
- (2) Any Person who:
  - a. fails to comply with any order or notice issued by a Building Official; or
  - b. who Permits a violation of this bylaw or other applicable enactments to continue;  
  
contravenes this bylaw.
- (3) A Building Official may order the cessation of any work that is proceeding in contravention of this bylaw the Building Code and other applicable enactments by posting a stop work order.
- (4) If a stop work order has been posted on a property, all Construction work must stop immediately. No Person shall do any work on said property until all applicable provisions of this bylaw and other applicable enactments have been fully complied with and the stop work order has been rescinded in writing by a Plan Checker.
- (5) Where a Person occupies a building or Structure or part of a building or Structure in contravention of Section 6(1)(d) of this bylaw a Building Official may post a "Do Not Occupy" notice on the affected part of the building or Structure.
- (6) The Owner of property on which a "Do Not Occupy" notice has been posted, and every Person, shall cease occupancy of the building or Structure immediately and shall refrain from further occupancy until all applicable provisions of this bylaw, the Building Code and other applicable enactments



have been substantially complied with and the "Do Not Occupy" notice has been rescinded in writing by a Building Official.

DATES OF ADOPTION

READ A FIRST TIME the 18<sup>th</sup> day of March 2019

READ A SECOND TIME the 15<sup>th</sup> day of July 2019


READ A THIRD TIME the 16<sup>th</sup> day of September 2019


This bylaw is hereby passed at a duly convened meeting of the Council of the Tk'emlúps te Secwépemc the 16<sup>th</sup> day of September 2019

Voting in favour of this bylaw are the following members of the Council:


\_\_\_\_\_  
Chief Rosanne Casimir

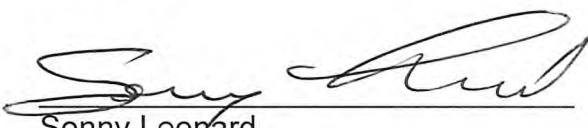
  
\_\_\_\_\_  
Marie Baptiste

  
\_\_\_\_\_  
Thomas Blank

  
\_\_\_\_\_  
Justin Gottfriedson

  
\_\_\_\_\_  
Katy Gottfriedson

  
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Jeanette Jules

  
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Sonny Leonard

\_\_\_\_\_  
Collen Mosterd-McLean

Being the majority of those members of the Council of the Tk'emlúps te Secwépemc present. There are eight (8) Council members and a quorum of Council is five (5) members.

Number of members of the Council present at the meeting: 5

This bylaw comes into force on the day on which it is first published.

SCHEDULE "A"  
SCALE OF FEES

1. For the purpose of calculating the fee for Permits under this bylaw, the value of Construction shall be the total contract price for the work including all subcontracts, or the value of Construction as determined by the Building Inspector on the basis or plans, specifications and information available to him, whichever value shall be greater.
2. A non-refundable Building Permit application fee shall be in accordance with the following scale:

(1) Residential

(a) New single and two family dwellings	\$100.00
(b) New mobile home	\$100.00
(c) Multi-family apartment or row houses three (3) or more units in one building – fee shall be per building	\$200.00
(d) Alteration/addition	\$50.00

(2) Commercial/Institutional/Industrial

(a) New	\$200.00
(b) Alteration/addition	\$100.00

(3) Miscellaneous

(a) Accessory building greater than 10 m <sup>2</sup> (108 sq. ft.)	\$50.00
(b) Accessory building 10 m <sup>2</sup> (108 sq. ft.) or less	n/a
(c) Demolition and relocation	\$50.00
(d) Earthwork	\$50.00
(e) Solid fuel appliances	n/a
(f) Fire restoration single and two family dwellings	\$50.00
(g) Fire restoration or fire alarm multi-family apartment or row Houses complex	\$100.00

(h) Fire restoration commercial/institutional/industrial	\$100.00
(i) Retaining walls	\$50.00
(j) Temporary building	\$50.00
(k) Site services	\$100.00
(l) Pools	\$50.00

3. In addition to the Building Permit application fees, amounts of Permit fees shall be in accordance with the following scale:

(1) Building Permit Fee

(a) For each \$1,000 or part thereof of Construction value up to \$10,000  
\$20.00

(b) \$200.00 plus for each \$1,000 or part thereof by which the value  
Exceeds the sum of \$10,000, as additional fees \$6.00

(2) Earthwork \$50.00

(3) Demolition and Relocation

The fee for a Permit to demolish or move a building:

(a) For buildings 100 m<sup>2</sup> (1,080 sq. ft.) in area or less \$100.00

(b) For buildings 100 m<sup>2</sup> (1,080 sq. ft.) in area:

(i) First 100 m<sup>2</sup> (1,080 sq. ft.), plus, \$100.00

(ii) Each additional 100 m<sup>2</sup> (1,080 sq. ft.) or portion thereof \$50.00

In the event that a building is to be moved to a location within the boundaries of the TteS, the fees payable shall be the fee required for the moving Permit plus the fee for a building Permit based on the value of Construction required to rehabilitate the said building in its new location, as determined by the building inspector.

(4) Special Inspection

(a) For a special inspection during normal working hours to establish the condition of a building, or where the original Permit has expired and to determine whether it complies with the provisions of the original Permit(s). \$100.00 (non-refundable).

- (b) For a required Permit inspection, for building bylaw compliance, which cannot be carried out during normal working hours and where there is a request to carry out such inspection outside of the hours during which the offices of the Band are normally open, the fee shall be based on the time actually spent in making the inspection, including traveling time in addition to the required fees. \$500.00 plus \$125.00 for each hour or part thereof exceeding the first four hours (non-refundable).

(5) Renewal Permit

In the event that a renewal Permit is required for Construction which has not reached final completion within the time limit set out in this bylaw, the fee for such renewal Permit shall be the greater of \$100.00 or twenty-five (25) percent of the original building Permit fee.

(6) Temporary Building

For a Permit to construct, place or occupy a temporary building for one (1) year or part thereof. \$150.00

(7) Siting Permit

For a Permit to construct or locate a storage building not exceeding 10 m<sup>2</sup> (108 sq. ft.) in building area, non-refundable application fee only. \$25.00

(8) Solid Fuel Appliances

The fee for a Permit to install a wood stove, insert or other solid fuel appliance, per appliance, non-refundable application fee only. \$50.00

(9) Removal of Notice on Land Title

Fee for the removal of a land title notice. \$250.00

(10) Plumbing Permit Fee

- (a) Minimum fee for any plumbing Permit or first fixture \$50.00
- (b) Permit fee for each fixture after the first fixture \$8.00
- (c) Permit fee for an interceptor or catch basin, each \$15.00
- (d) Fee for a preliminary inspection related to plumbing, each \$50.00

(e) Single and two family dwellings	
(i) Water service inspection fee per unit	\$30.00
(ii) Sanitary service inspection fee per unit	\$30.00
(iii) Storm service inspection fee per unit	\$30.00
(iv) Combined water and sewer service inspection fee per unit	\$50.00
(v) Combined water, sewer and storm service inspection fee per unit	\$60.00
(f) Water service inspection fee, except single and two family dwellings	
(i) First 15 m (49.2 ft.), or part thereof	\$25.00
(ii) Each additional 15 m (49.2 ft.), or part thereof	\$25.00
(g) Sanitary sewer service inspection fee, except single and two family dwellings	
(i) First 15 m (49.2 ft.), or part thereof	\$25.00
(ii) Each additional 15 m (49.2 ft.), or part thereof	\$25.00
(h) Permit fee for storm or rainwater piping	
(i) First 15 m (49.2 ft.), or part thereof	\$25.00
(ii) Each additional 15 m (49.2 ft.), or part thereof	\$20.00
(i) Permit fee for the alteration of a plumbing system where no additional fixtures are to be installed, each	\$10.00
(j) Permit fee for the connection to the Band water service of any hydraulic equipment, each	\$30.00
(k) Permit fee for the installation of a vacuum breaker or approved double check valve assembly in any plumbing system, each	\$10.00
(l) Permit fee for any fire sprinkler system	
(i) The first 25 sprinkler heads	\$50.00
(ii) Each additional sprinkler head over 25	\$1.00

- (m) Permit fee for each storm or rainwater catch basin \$25.00
- (n) Permit fee for each fire hydrant \$30.00
- (o) Permit fee for finished plumbing only (installation of fixtures only where rough-in plumbing exists) shall be 50 per cent of the above fees.

(11) Permit Transfer or Assignment

For the transfer or assignment of a Permit, when requested in writing by the original Owner. The original Permit number and expiry dates will remain in effect. \$50.00

(12) Building Information Request

- (a) Single family, two family dwellings, and mobile homes \$40.00
- (b) Multi-family apartment building (three or more units) \$100.00
- (c) Standard Building (commercial, industrial, institutional) \$100.00
- (d) Mobile home park \$100.00
- (e) Complex Building (large mall, industrial, institutional) \$200.00

(13) Manufactured home Inspection Certificate

Where a manufactured home was place previously without a building permit the fee for processing a Manufactured home Inspection Certificate is \$40.

(14) Double Permit Fee

Where work for which a Permit is required by this bylaw has been commenced prior to issuance of a building Permit, the applicant shall pay to the Band double the fee prescribed in Schedule "A", provided, however, that the additional fee shall not exceed \$3,000.00.

(15) Permit Fee Refund

Where no Construction has commenced within six (6) months of building Permit issuance, should the Permit holder apply in writing to cancel the Permit and resent the original receipt, the building Plan Checker may refund the Permit fee less the greater of \$200.00 or fifty (50) per cent of such fee paid in respect to the building Permit.

(16) Fee Reduction for Professional Supervision

Where a professional engineer or architect is retained by the Owner and an undertaking is provided to coordinate the design and field reviews of the project, the building Permit fee will be reduced by five (5) per cent to a maximum reduction of \$500/00 for any one property to reflect the cost of the work that would otherwise be carried out by Tk'emlúps te Secwépemc building inspection staff.

(17) Application and Permit Fee Exemption

The Band and Band Members' projects shall be exempt from the applicable Permit application fee, Permit fees and any other fees set out in this bylaw.

4. Construction Value of Work

The Building Official 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 he is not satisfied with the value submitted with the Permit application; or

The current edition of the Marshall Valuation Service of the Marshall and Swift Residential Cost handbook may be used by the Plan Checker to determine the market value for the purpose of assessing Permit fee.

5. Manufactured Homes

Permit fee for manufactured homes will be based on the total value of the unit including skirting, foundation, blocking, landing and stairs, water and sewer service connections.