

2. PERMITS AND INSPECTIONS

- 2.1 The Public and Capital Works Service of the Band, hereinafter referred to as the "*Service*" shall be responsible for the application of the present By-Law.
- 2.2 In addition to the enforcement of the present By-Law, the Service shall be responsible for all other by-laws concerning the implementation of construction projects on the Category IA Lands of the Band.

3. DUTIES OF THE DIRECTOR OF PUBLIC AND CAPITAL WORKS

- 3.1 The Director of the Service or his authorized representatives shall deliver or revoke all certificates, permits and authorizations.
- 3.2 The Director shall ensure that the Standards, Codes and Guidelines attached hereto as Annex "A" have been complied with. For matters not dealt with in Annex "A", the Codes, Standards and Guidelines created pursuant to applicable provincial and federal legislation shall apply and be enforced by the Director.
- 3.3 The Director shall inspect or cause to be inspected at intervals all local services, structures or parts of structures during the course of construction, alteration, repair, moving or demolition, as well as of existing structures when the enforcement of by-laws requires it.
- 3.4 The Director shall require that materials, appliances or methods of construction be submitted to tests to determine their quality or adequacy.
- 3.5 The Director shall determine the measures to be taken to protect property and life by insuring the safety of any local service, structure or part of structure which, in his opinion, is unsafe.
- 3.6 When the Director has reason to believe that the condition or use of a parcel of land or of a local service or structure constitutes a serious and immediate hazard for public safety, he must require without delay that appropriate steps be taken to restrict or eliminate such hazard.
- 3.7 The Director may order the immediate evacuation of any person from any place where, in his opinion, such hazard exists, and prevent access thereto as long as he deems such hazard to subsist. He may, moreover, require the help of other Band departments to carry out the evacuation.
- 3.8 The Director shall have the authority to decide upon all questions pertaining to the provisions of this By-Law and of those of other related by-laws, in any case relating to the mode of construction, the quality and use of materials.
- 3.9 The Director shall take all steps which he deems necessary to ensure compliance with the requirements of this By-Law and of other by-laws to ensure public safety relating to the conditions or use of parcels of land, local services and structures.

- 3.10 When the Director discovers the existence of illegal local services, structures or parts of structures or works which do not meet requirements, are partly destroyed, or constitute a real hazard with respect to public safety, he may notify the owner and set a time limit for the carrying out of the works required to eliminate the hazard, or have such structures or works brought up to requirements, removed or demolished. At the expiry of such time, proceedings may be taken against the owner who continues to refuse or neglect to comply with such notice, and, moreover, the Director then may prohibit the use of the building or structure as well as of the land or prevent access thereto until the owner complies.
- 3.11 In all cases where the Director decides to order the evacuation of a parcel of land or structure and prohibits access thereto, he may have a notice posted at the entrance to such parcel of land or structure.
- 3.12 After being informed of a violation of Sections 3.10 or 3.11, the Director may seek the assistance of the Police Department.
- 3.13 No parcel of land, structure or part of structure shall enjoy any acquired rights contrary to the requirements of this By-Law.

4. RIGHT OF ENTRY

- 4.1 The Director or a person acting under his authority shall have the right, on presentation of proper identification, to visit the premises and to enter any building or construction or local service in course of erection, alteration, repair, moving or demolition, to make sure that the provision of this Band By-Law are complied with.
- 4.2 The Director or a person acting under his authority shall have the right to enter any structure for purposes of inspection or when there is reason to believe that the building is in a dangerous or faulty condition as a result of a fire, accident or other cause such as mould or infestation.

5. APPLICATION FOR PERMITS

- 5.1 No one shall erect any permanent or temporary structure or local service, or alter, repair, move or demolish any structure or local service, or part of a structure, or undertake any excavation works for the erection of any structure or local service without a permit issued by the Director pursuant to this By-Law.
- 5.2 The application for a permit, written on a special form provided for such purpose, shall be filed with the Service. It shall give the full name and address of the owner, the architect (if applicable), engineer and builder, as well as the number of the latter's construction licence, the cadastral number or any other description permitting localization of the structure or local service, together with the details of the proposed works or occupancy. It shall be signed by the owner or by his authorized representative and be accompanied by the following documents:
- (a) Two complete sets of plans and specifications;
 - (b) An estimate of the probable cost of the works; and

(c) A time schedule for the works contemplated.

5.3 A permit issued under this By-Law may not be transferred to any other person than the one to whom it was issued, nor extended beyond the time limit specified therein, nor can it authorize any modification of the works as shown on the plans and specifications filed with the application for the permit.

5.4 The Director may however deliver a permit without requiring plans and specifications for minor works.

6. PLANS AND SPECIFICATIONS

6.1 Plans

(a) The plans shall be drawn to scale and shall be reproduced by some indelible process. They shall include:

- a plot plan conforming with the requirements of Section 6.2;
- the plans of the foundations, of each storey and of the roof, the elevations, sections and all details necessary for the clear understanding of the project;
- the plans and details of the proposed local service.

All essential parts shall be drawn to a scale of at least one eighth of an inch (1/8") to the foot.

(b) The plans shall also show the location of plumbing fixtures, the water services for domestic use and fire protection, electrical entries and wiring, as well as any other detail that may be required by the Director.

(c) Computation of stresses and load assumptions shall be submitted by the applicant whenever required by the Director.

6.2 Plot Plan for Construction Purposes

(a) The plot plan shall show the street line, the existing and proposed structures, open spaces and the layout of the immediate adjoining structures, the proposed driveways as well as the position of any drain, hydrant, pole or other obstructions on the parcel of land or in the street right-of-way which might be an obstacle in building the proposed driveway. This plan may not be required in the case of repairs not changing the outer layout of the structures concerned.

(b) This plan shall give the natural ground level of the entire parcel of land as related to the mean sea level in accordance with a twenty (20) foot grid.

6.3 Specifications

The specifications shall comply with the applicable standard and describe in clear and specific terms the materials and workmanship required, so that adequate information as to the extent and character of the proposed work may be known.

6.4 Mention of Articles of By-Laws

Any reference to this By-Law or other Band construction by-laws in the plans and specifications shall cite specifically the article or paragraph applicable thereto.

6.5 Signature of Plans and Specifications

All plans and specifications shall be signed and sealed in accordance with the applicable laws.

6.6 Incomplete Plans and Specifications

If the information in the application for the building or local service permit or in the plans and specifications is incomplete or indefinite, the Director shall suspend delivery of the permit until sufficient information shall have been furnished.

6.7 Surveyor's Certificate

A surveyor's certificate for the erected building and its accessory structures or local service, together with a plan, shall be supplied upon completion of the work.

7. APPROVAL OF PLANS AND SPECIFICATIONS

7.1 Both sets of plans and specifications shall be stamped and signed by the Director or by his representative authorized to issue the permit. A set of plans and specifications shall be kept at the office of the Service for purposes of control. The other set shall be returned to the applicant and kept at the site during the entire time of construction, until delivery of the certificate of occupancy and shall be available for examination by the Service.

7.2 Any variation of the approved plans and specifications shall be submitted to the Director for approval.

7.3 If a structure is not built exactly as per the plans and specifications originally stamped and signed by the Director, then the holder of the permit shall file "as-built" plans and specifications with the Director within thirty (30) days of completion of the work.

8. PLACARD

8.1 A placard, issued with the permit, shall be placed by the holder of the permit in a conspicuous place on the site and so that it will be visible from the street.

8.2 The placard shall be protected against weather and shall be maintained in position until the works are entirely completed.

9. FALSE STATEMENT

9.1 Any person making a false statement in the applications for permits or in any further processes connected herewith shall be liable to the penalties provided for infringements of the present By-Law.

10. DELIVERY OF PERMITS: DELAY, REJECTION

10.1 If the proposed work is found to be in conformity with the requirements of the by-laws applicable thereto, and after payment to the Band of the amount required, the Director shall deliver the permit within a delay of thirty (30) days from the date of filing of the application unless the magnitude of the project works justifies a longer delay.

10.2 If an application is rejected, the applicant shall be informed of the reasons for such rejection, and the plans and specifications shall be returned to him.

10.3 Permit for Temporary Structures or Local Service

(a) No temporary structure or local service shall be put in place before the required permit will have been delivered.

(b) The application for the permit shall be made in accordance with the general requirements of this By-Law.

10.4 Demolition Permits

(a) Demolition permits shall be issued by following the same procedure as for construction permits, including a demolition plan, a description of the method to be used, how the demolition debris will be disposed of, and how the site will be restored.

(b) Provided there is no objection to or prohibition of demolition known to the Director, the latter shall issue a demolition permit within a period of ten (10) days from the date the application was filed. Saturdays and holidays being excluded in the calculation of such period.

10.5 Limited life of Permits

Every demolition permit granted under this By-Law bear an expiration date and shall become null and void if the demolition is not carried out before such expiration date. The fees paid to obtain such permit shall not be refunded.

11. INSPECTION AND SUPERVISION OF WORKS

11.1 The Director may appoint one or more inspectors to act on his behalf or on his direction to carry on the inspection services contemplated herein.

- 11.2 The Director or the inspectors may proceed at any time to inspect the works in order to ascertain if they are in accordance with the permit granted and in accordance with the plans and specifications.

12. CONSTRUCTION

- 12.1 As long it is incomplete or unoccupied, the structure, part of structure or service under construction shall be properly secured or closed off, so as to prevent trespassing and accidents and fire hazard.
- 12.2 All entrances, openings and accesses to a structure, part of structure or service under construction or demolition shall be closed off by applying on the outside by a sheet of plywood at least three-eighths (3/8) of an inch thick, nailed down with headed nails at least two (2) inches long or the equivalent thereof set at eight (8) inches at the most from centre to centre. However, the main entrance door may be only padlocked providing the glass, if any, is protected in the same way as are the other openings.
- 12.3 Should the owner of the building or structure or local service fail to abide by the provisions of subsection 12.2 hereof, then the Director may take any and all appropriate action to ensure public safety at the owner's expense.

13. PERMITS FOR OCCUPANCY OR USE

13.1 General

No building or structure or local service which has been erected, altered, repaired, moved or used shall be occupied or utilized until a permit of occupancy or use has been delivered.

13.2 Application for Permit

When the works contemplated in a construction permit are completed, the owner shall file an application with the Director for the issuance of an occupancy or use permit.

13.3 Delivery of Permit

Within ten (10) days, an occupancy or use permit shall be delivered to the owner by the Director when the works are found to be in compliance with the requirements of the construction permit and this By-Law, after payment to the Band of the amount required.

13.4 Contents of Permit

The permit of occupancy or use shall specify for what purposes the building or structure or local service may be utilized.

13.5 Posting of Permissible Live Loads

In warehouses, factories, and all other buildings submitted to heavy loads, the owner shall be bound to post in conspicuous places the live loads in pounds per square foot which each floor or part of floor is allowed to carry.

14. **ALTERATION OR REPAIR OF EXISTING BUILDINGS OR LOCAL SERVICES**

14.1 General Requirements

Any alteration or repair of an existing building or structure or local service shall be made in accordance with the requirements of the present By-Law.

14.2 Increase in Height

The number of storeys of an existing building shall not be increased unless a construction permit is issued and the resulting building complies with the requirements of the present By-Law.

14.3 Alteration or Repair Permit

The delivery of an alteration or repair permit shall be subject to the general requirements of Sections 6 to 11 of this By-Law.

15. **CHANGE IN USE OR OCCUPANCY OF EXISTING BUILDINGS**

15.1 Any proposed change in the use of a building must comply with the requirements of the present By-Law.

15.2 If alterations are necessary to the change of use, the entire building shall be made to comply with the requirements of the present By-Law. However, if the building is adequate to carry the loads prescribed for the proposed new use, the Director may permit the change in use provided there is no increase in the risk of fire

15.3 Any change resulting in an increase of the number of persons on any floor shall be permitted only if exits comply with the safety standards incorporated into this By-Law.

15.4 No change in the opening direction of exit doors is required except in the case of a change from a residential occupancy to an office occupancy:

(a) on the ground and second floors of more than one thousand five hundred (1,500) square feet, provided each such floors has two (2) exits and the total area of offices on each floor does not exceed one thousand eight hundred (1,800) square feet;

(b) on other floors where such area does not exceed five hundred (500) square feet.

15.5 Permits for Changes of Occupancy or Use

- (a) No change of occupancy or use of any building shall be effected before a new permit of occupancy or use is issued.
- (b) The application for the permit and the time for delivery shall be subject to the provisions of Sections 6 to 11 hereof.
- (c) A copy of the permit may be given to any person having an interest.

16. MOVING OF BUILDINGS

- 16.1 A permit is required before a building can be moved. The application for the permit shall be made at least forty-eight (48) hours before the date fixed to begin work.
- 16.2 The permit shall be valid only for a period of thirty (30) days from the date of its delivery.
- 16.3 The delivery of a permit shall be subject to the following conditions:
 - (a) The building to be moved, even when the moving is to be done on the same lot, shall comply with the requirements of the by-laws applying to new locations.
 - (b) The application shall indicate the route which it is proposed to follow and the time required for the moving.
 - (c) When the building is to be moved across or along a street or a public place, the Public Safety Officer must be notified ahead of time.
 - (d) The applicant shall pay the required amount to the Band.

17. CONTRACTOR'S PLANT

- 17.1 A building permit shall entitle the builder to install and maintain at the site, during the execution of the work, the derricks, hoists, offices, sheds, plant or other equipment and apparatus necessary to the execution of the works. Such equipment and works shall be removed after the work is completed within a reasonable delay to be fixed by the Director.
- 17.2 Fencing of Working Plant

When works are carried out less than seven feet (7') from the street line, or when the Director deems it advisable, the working plants shall be fenced for the protection of the public.

18. WORKS CARRIED OUT WITHOUT PERMIT

- 18.1 It shall be forbidden for any person to carry out, as proprietor, contractor, sub-contractor, foreman or mere workman, works of excavation, construction, repair, modification or demolition, for which a permit required in virtue of the present By-Law has not been delivered to the proprietor.
- 18.2 Where work is performed without a permit, the Director shall order such work to stop immediately except for shoring work which he deems to be necessary for public safety.
- 18.3 Order to stop the work shall be posted in a conspicuous place on the site and as long as the Director has not ordered the removal of said sign, it shall be prohibited for any person acting as owner, contractor, sub-contractor, supervisor or worker to continue the work.
- 18.4 It shall be prohibited to temporarily store materials or to build temporary surface structures on the public domain alongside structures or local services under construction, without having obtained a permit from the Director. Such permit shall be valid for the period set out in the permit and the applicant shall pay the related rent to the Band as prescribed.
- 18.5 Any Band Police Officer shall, on the complaint of the Director or of an inspector of the Service and accompanied by him, issue a summons and charge any person violating the provisions of the present By-Law.
- 18.6 The written complaint shall be signed and sworn to by the Director or inspector who accompanied the police officer.

19. WORKS NOT IN COMPLIANCE WITH THE PLANS AND SPECIFICATIONS

- 19.1 It is prohibited to perform as owner, contractor, sub-contractor, supervisor or worker, works that do not comply with the requirements of the approved plans and specifications or of the by-laws.
- 19.2 Where such works already have been started, the Director shall order that they be stopped immediately, except shoring work which he deems necessary for public safety.
- 19.3 The order to stop the works shall be posted in a conspicuous place in the part of the structure or local service affected by the works.
- 19.4 Until the Director has removed the posted order, it shall be forbidden for any person, as proprietor, contractor, sub-contractor, foreman or mere workman, to continue the works started.

19.5 Any Band Police Officer shall, on the complaint of the Director or of an inspector of the Service and accompanied by him, issue a summons and charge any person violating the provisions of the present By-Law.

19.6 The written complaint shall be signed and sworn to by the inspector who accompanied the police officer.

20. DEMOLITION OF UNACCEPTABLE WORKS

20.1 The works which do not comply with the plans and specifications under Section 19 hereof or with this By-Law and which cannot be economically corrected may, depending on the seriousness of the deficiencies, be ordered to be demolished by the proprietor.

20.2 The order of demolition shall be given in writing, shall be signed by the Director and shall be addressed to the proprietor by registered mail.

20.3 If the demolition works are not commenced and pursued with diligence within ten (10) days following the date of mailing of the order of demolition, the Director shall recommend immediately to the Band Council that appropriate legal action be taken against the proprietor.

21. CLOSING AND DEMOLITION OF CERTAIN BUILDINGS

21.1 Any building partially destroyed by fire or any other cause and the rebuilding of which has not started within ninety (90) days following the date of destruction, or any building which has become unfit for living, or any other structure, part of structure or local service presenting a hazard to the public or the occupants, and which the proprietor neglects or refuses to repair in accordance with the instructions given to him by the Director, or any unfinished building, works or structure the construction of which is abandoned or interrupted for a period of more than ninety (90) days, may be ordered to be demolished by the proprietor.

21.2 For the time that he determines, the Director may have any hazardous area surrounded by fences equipped with flashing lights at the expense of the owner or of the person responsible for the works.

21.3 In each case, the Director shall make a report to the Band Council on the condition of the building, explaining the reasons for demolition, and send the proprietor a copy of such report by registered mail. The report shall indicate whether the building is occupied or not.

21.4 The decision to evacuate and demolish the building shall be made by the Band Council and a copy of the resolution adopted to that end shall be sent to the proprietor and to each of the occupants by registered mail.

21.5 The occupants who shall refuse to move out within the time frame set out in the resolution may be liable to penalty and legal action.

- 21.6 The moveable effects found on the premises shall be placed in safekeeping in a secure location.
- 21.7 If the proprietor of the building or of the construction neglects or refuses to demolish within the time frame set out in the resolution, the Band Council may, at the expense of the proprietor, have the demolition effected by the employees of the Band or award a contract for such purpose to an independent contractor.
- 21.8 The demolition order shall be conspicuously posted on the building to be demolished.
- 21.9 The Band shall recover from the owner the cost of demolition or other works carried out by the Band because of the owner's failure to do so in the cases mentioned in Section 20.

22. KEEPING OF RECORD ON FILE

- 22.1 Copies of the permits, including corrections which have been made thereto, notices, records of inspection, approved plans and specifications including amendments which may have been made thereto, complaints, correspondence and all other related records shall be kept on file in the Service. Copies of the plans and specifications may be obtained by the owner upon payment of copying costs.
- 22.2 Plans and specifications may be destroyed five (5) years after the date of delivery of the permits of occupancy if the Director deems it advisable.


Chairman


Secretary

