

CHIPPEWAS OF MNJIKANING FIRST NATION  
Being a band within the meaning of the *Indian Act*

**MNJIKANING FIRST NATION**

**LAND USE AND DEVELOPMENT BY-LAW No. 79-10 as amended**

Being a By-law to regulate the use and development  
of land and the character and use of buildings on  
the Mnjikaning First Nation Reserve No. 32

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Whereas Paragraphs (f), (g), (h), (i), (l), (n), (q), and (r) of Section 81 of the Indian Act empower the Council of a band to make By-Laws respecting the use and development of land and the imposition of a penalty for the violation thereof;

And whereas Section 87 of the Indian Act exempts the property of a band and its members in reserve lands and other property from provincial and federal taxation;

And whereas it is deemed to be necessary to control residential, commercial and industrial development for the benefit, safety and welfare of the inhabitants of the Mnjikaning First Nation Reserve;

And whereas it is recognized that By-Laws 79-10, 95-21 and 95-22 should be updated to reflect the current circumstances of the Mnjikaning First Nation;

And whereas it is recognized that the operation of Casino Rama commenced on the Mnjikaning First Nation Reserve on July 31, 1996 and has continued since that date;

And whereas it is recognized that the development and operation of Casino Rama are governed by, among other things, the Amended and Restated Development and Operating Agreement, originally dated March 18, 1996 and amended April 15, 1996 and June 12, 2000 ("DOA");

And whereas under Sections 3.1(a), 3.3 and 3.4 of the DOA, CHC Casinos Canada Ltd. ("the Operator") is retained and appointed by Mnjikaning First Nation, among other things, to operate and maintain Casino Rama in accordance with Operating Policies approved by Mnjikaning First Nation thereunder;

And whereas the Operator has had, and will continue to have, occasion to apply for building permits with respect to Casino Rama, and that in that regard Mnjikaning First Nation and the Operator jointly developed and agreed upon a Building Department Permit Process Outline dated February 1, 2001 which recognized Mnjikaning First Nation as the owner of the capital assets comprising the Casino Rama Complex and provided for a clear, efficient and proper process with respect to these applications be followed, and it is desirable that that process be formally recognized and adopted in the terms of this By-Law;

And whereas it has also been recognized that Casino Rama provides community services to Mnjikaning First Nation, its members, and the Mnjikaning First Nation Reserve No. 32 in terms of income and employment, so as to qualify for exemption from provincial and federal sales taxes, and it is desirable to maintain such exemption in order to comply with the policies and directions reaffirmed by Mnjikaning First Nation in B.C.R. #112 and to realize the founding objectives of Casino Rama in maximizing the revenues available to Ontario First Nations from its operation;

Now therefore the Council of the Chippewas of Mnjikaning First Nation hereby enact this by-law to amend By-Laws 79-10, 95-21 and 95-22 as follows:

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SECTION 1 - TITLE

- 1.1 This by-law shall be known as the Mnjikaning First Nation Land Use and Development by-law.

SECTION 2 - DEFINITIONS

- 2.1 "Accessory", when used to describe a use, building or structure, shall mean a use or a detached building or structure, that is naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and located on the same site therewith.
- 2.2 "Agricultural Use", shall mean the use of land, building or structures for the purpose of growing of field crops, flower gardening, truck gardening, berry crops, tree crops, nurseries, aviaries, apiaries, or farms for the grazing, breeding, raising, boarding or training of livestock or poultry on the same lot.
- 2.3 "Attached", shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.
- 2.4 "Band Administrator", shall mean the Band Administrator of Mnjikaning First Nation.
- 2.5 "Band Council", shall mean the Council of the Mnjikaning First Nation elected pursuant to Section 74 of the Indian Act.
- 2.6 "Building", shall mean a structure which consists of at least a roof and main walls.
- 2.6.1 (a) "Accessory", shall mean a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 2.6.2 (b) "Main", shall mean the building employing the purposes for which the lot was purchased, leased or rented.
- 2.7 "Casino Rama" shall mean the Casino Rama Complex, including the Hotel Component and Entertainment Centre Component, built on the Mnjikaning First Nation Reserve, as those terms are defined and used in the DOA.
- 2.8 "Commercial Use", shall mean the use of any land, structure or building for the purposes of offices or retail buying or selling of commodities but shall

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not include use for warehousing, wholesaling; manufacturing or assembling of goods.

- 2.9 "Cottage, Summer", shall mean a building which does not conform to all the requirements of Section 4 for single family dwellings and is being used, or designed to be used, as a residence only between the 1st days of May and October 31st in each year.
- 2.10 "DOA" shall mean the Amended and Restated Development and Operating Agreement originally dated March 18, 1996 and amended as of April 15, 1996 and June 12, 2000 between Chippewas of Mnjikaning First Nation, the Ontario Lottery and Gaming Corporation and CHC Casinos Canada Ltd.
- 2.11 "Dwelling", shall mean a building occupied or capable of being occupied throughout all seasons of the year as a home or residence by one or more persons.
- 2.12 "Dwelling, Single Family", shall mean a building accommodating not more than one dwelling unit, for the use of one family only.
- 2.13 "Erect", shall mean (with reference to a building or structure) to build, alter, construct or reconstruct, and the removal of any structure, from one lot and relocation of it on another lot, and any physical operation, such as excavating, filling or draining preparatory to building construction or reconstruction.
- 2.14 "Existing", shall mean existing, as at the date of enactment of this by-law.
- 2.15 "Floor Area", shall mean the sum total area of a floor or floors in the building on a lot measured from the exterior walls or from the centre line of the common walls separating two buildings, but not including the floor areas of basements, attached garages, sheds, open porches or verandas.
- 2.16 "Forestry Uses", shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.
- 2.17 "Frontage", shall mean the width of a site between the side lines of a site measured along a line at right angles to the centre line of the site and at the minimum distance from the front of the site permitted for the erection of buildings by this by-law.

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- 2.18 "Head of the Building Department" shall mean the person appointed as the Head of the Mnjikaning First Nation Building Department or if there is no Head of the Building Department, the Band Administrator.
- 2.19 "Herein", shall mean in this by-law and shall not be limited to any particular section of the by-law.
- 2.20 "Home Occupation", shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of a dwelling provided the dwelling is the private residence of the person carrying on the occupation, trade business, profession or craft.
- 2.21 "Industrial Use", shall mean any establishment involved primarily in processing or manufacturing activities, and so defined shall include transportation, wholesaling, storage and shipping activities.
- 2.22 "Institutional Use", shall mean any organized body or society involved primarily in providing for non-commercial purpose a particular object.
- 2.23 "Landscaping", shall mean the planting of grass and/or sod, for the purpose of improving the amenities of a development.
- 2.24 "Lot", means any parcel of land, right of way or easement, whether such parcel, right of way or easement is described in a registered deed or shown on a registered plan of subdivision.
- 2.25 "Lot Area", shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered with water or marsh.
- 2.26 "Lot Frontage", shall mean the horizontal distance between the side lot lines measured at right angles but where such lot lines are not parallel, the frontage shall be the distance between the side lot lines measured along the building line.
- 2.27 "Lot Line", means any boundary line of a lot.
- 2.28 "Lot Line, Front", shall mean the lot line that divides the lot from a street, provided that in the case of a corner lot, the shorter of the two lot lines that abut a street shall be deemed to be the front lot line and the longer lot line that so abuts shall be termed the flankage of the lot.
- 2.29 "Lot Line, Rear", shall mean the lot line opposite the front lot line.
- 2.30 "Lot Line, Side", shall mean any lot lines other than the front lot line and the rear lot line.

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- 2.31 "Main Building", means the building in which is carried on the principal purpose for which the building lot is used and in a residential zone the dwelling is the main building.
- 2.32 "Mobile Home", shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn and is capable of being used for living, sleeping and eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.
- 2.33 "Obnoxious Use" means uses which are obnoxious or offensive by reason of their emission of odour, smoke, dust, noise, gas, fumes, vibrations, or refuse matter, and shall include offensive trades as defined by the Public Health Act.
- 2.34 "Outside Storage", shall mean storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof.
- 2.35 "Person", shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation.
- 2.36 "Reserve", means the lands contained within the Mnjikaning First Nation Reserve No. 32, which are vested in Her Majesty and have been set apart by Her Majesty for the use and benefit of Mnjikaning First Nation.
- 2.37 "Residential Use", shall mean any use of a dwelling for living, sleeping and eating accommodation of persons.
- 2.38 "Site", shall mean a parcel of land or several contiguous parcels of land used or occupied, or to be used or occupied for a permitted use, or a building and accessory buildings and the area appurtenant to such buildings.
- 2.39 "Site Area", shall mean the total horizontal area within the limits of the site.
- 2.40 "Trade, Dangerous", shall mean the manufacturing and/or storage of coal, oil, kerosene, petroleum, fuel oil, burning fluids, naphtha, benzol, benzene, gasoline, dynamite, nitro glycerine, gunpowder, or other combustible, inflammable, or dangerous liquid or material, except where used in a subsidiary way for the manufacture of other industrial products.

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- 2.41 "Trade, Obnoxious", means industries which are obnoxious or offensive by reason of their emission of odour, smoke, dust, noise, gas, fumes, vibrations or refuse matter, and shall include offensive trades as defined by the Public Health Act.
- 2.42 "Yard, means an open, uncovered space between a main building and a lot line.
- 2.42.1 "Yard, Front", means the space between the front lot line, and extending the full width of the lot.
- 2.42.2 "Yard, Side", means the space between the side lot line, and the nearest wall of any main building or structure, and extending from the front yard to the rear yard. In the case of a corner lot, the side yard on the street side of the said corner lot is referred to as the exterior side yard.
- 2.42.3 "Yard, Rear", means the space between the rear lot line, and the nearest wall of any main building or structure, and extending the full width of the lot.
- 2.43 "Zone", means a designated area of land use, shown on Schedule "A" of this By-Law.

**SECTION 3 - GENERAL PROVISIONS**

- 3.1 This By-Law applies to all of the Reserve the boundaries of which are shown on Schedule "A" to this By-Law. AREA
- 3.2 The Minister of Indian Affairs and Northern Development is hereby requested to: MINISTER  
CONSENT
- (a) authorize a survey;
- (b) make any subdivision of Reserve lands
- (c) approve any lease, or the construction or repair of any building, or the establishment of a use;
- only where the survey or the subdivision or the lease or the construction, repair use complies with this By-Law.

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**SECTION 3 - GENERAL PROVISIONS - continued**

- | 3.3                          | For the purpose of this By-Law, the Reserve is divided into the following Zones as designated on Schedule "A" of this By-Law.   | ZONES                                    |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
|------------------------------|---|--|-------------|------------------|---|-----------------|---|-----------------|---|------------|----|--------------------|----|------------------------------|----|--------------|---|--|
|                              | <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">ZONE</th> <th style="text-align: left; border-bottom: 1px solid black;">ZONE SYMBOL</th> </tr> </thead> <tbody> <tr> <td>Residential Zone</td> <td>R</td> </tr> <tr> <td>Commercial Zone</td> <td>C</td> </tr> <tr> <td>Industrial Zone</td> <td>I</td> </tr> <tr> <td>Rural Zone</td> <td>RU</td> </tr> <tr> <td>Institutional Zone</td> <td>IS</td> </tr> <tr> <td>Commercial / Recreation Zone</td> <td>CR</td> </tr> <tr> <td>Holding Zone</td> <td>X</td> </tr> </tbody> </table> | ZONE                                     | ZONE SYMBOL | Residential Zone | R | Commercial Zone | C | Industrial Zone | I | Rural Zone | RU | Institutional Zone | IS | Commercial / Recreation Zone | CR | Holding Zone | X |  |
| ZONE                         | ZONE SYMBOL   |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Residential Zone             | R   |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Commercial Zone              | C   |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Industrial Zone              | I   |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Rural Zone                   | RU  |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Institutional Zone           | IS  |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Commercial / Recreation Zone | CR  |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| Holding Zone                 | X   |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| 3.3.1                        | Lands designated with an ( X ) on Schedule "A" are not to be developed until such time as this by-Law has been amended to remove the ( X ) designation therefrom.   |  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| 3.4                          | No person shall use any land or erect or use any building except as permitted in this By-Law in the Zone in which the land or building is located and then only after meeting the requirements of the said Zone and all other applicable laws and By-Laws.  | CONFORMATION<br>AND PERMITS<br>REQUIRED  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| 3.5                          | Nothing in this By-law shall affect the continuance of uses which were established prior to the enactment of this By-Law.   | CONTINUATION<br>OF USE                   |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| 3.6                          | No buildings shall be moved to another location on Reserve unless every portion of the building satisfies all the requirements of the Zone in which it is to be located and a permit has been obtained from the Band Administrator.   | BUILDING<br>TO BE MOVED                  |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| 3.7                          | No person shall be permitted to erect any building or structures in any front yard in any Zone within the Reserve.  | BUILDING IN<br>FRONT YARD<br>PROHIBITION |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |
| 3.8                          | No person shall be permitted to erect a shed, private garage, or any other ancillary building less than 10 feet from a lot line.  | ANCILLARY<br>BUILDING                    |             |                  |   |                 |   |                 |   |            |    |                    |    |                              |    |              |   |  |

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SECTION 3 - GENERAL PROVISIONS - continued

- 3.9 No person shall operate a scrap metal, junk or automobile wrecking yard, salvage or stock yard unless precautions satisfactory to the Band Administrator have been taken or will be taken. **JUNK SALVAGE  
WRECKING  
STOCK YARD**
- In general, where land is used for the storage of scrap metal, junk or for an automobile wrecking yard, salvage or stock yard, the following regulations shall apply:
- (i) the whole of the storage and wrecking operation shall be surrounded by a solid fence, not less than 8 feet in height, unpierced except for gates necessary for access.
  - (ii) the said fence shall be located not closer than 20 feet from the front lot line, nor closer than 10 feet from side and rear lot lines, and the land between the fence and the lot lines not required for entrance and exit driveways shall be used for no other purposes than landscaping.
- 3.10 Notwithstanding any other provisions of the By-Law no. outside storage shall be permitted in any front yard or in any exterior side yard in any Zone within the Reserve. **OUTSIDE  
STORAGE  
PROHIBITION**
- 3.11 No person shall use any land or erect or use any building for any dangerous trade unless precautions satisfactory to the Band Council have been taken or will be taken to ensure that no danger to health or dangers from fire or explosions will occur which precaution may include work or works necessary to prevent any contamination as described in the Environment Protection Act, Ontario 1971, and any of its subsequent amendments. **DANGEROUS  
TRADES  
PROHIBITION**



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- 3.12 Unless precautions satisfactory to the Band Council have been taken or will be taken to ensure that no danger to health will occur, no persons shall use land or erect or use any building for any business, trade or calling in any zone which may be noxious or offensive by reason of the omission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas vibration or noise.

**SECTION 4 - RESIDENTIAL ZONE**

**4.1 Permitted Uses**

Single Family Detached Dwellings  
Home Occupations  
Accessory Uses

**4.2 Requirements**

- 4.2.1 (a) Lot Frontage (Minimum) 100 Feet  
(b) Lot Depth (Minimum) 200 Feet  
(c) Lot Size (Minimum) 20,000 Square Feet  
(d) Yards (Minimum)  
(i) front yard 50 Feet  
(ii) side yard 10 Feet  
(iii) exterior side yard 10 Feet  
(iv) rear yard 50 Feet  
(e) Floor Area ( Minimum )  
(i) 1 Bedroom 600 Square Feet  
(ii) 2 Bedroom 700 Square Feet  
(iii) 3 Bedroom 800 Square Feet

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**SECTION 4 - RESIDENTIAL ZONE – continued**

4.2	4.2.2	The installation and use of any private residential sewage and waste water disposal system must be in accordance with the Provincial Environmental Protection Act Ontario 1971, and any of its subsequent amendments.	
	4.2.3	The installation, enlargement, extension or alteration of any sewage disposal system must be approved by an officer appointed by Council.	
	4.2.4	All residential construction on the Rama Reserve shall conform to the requirements of the National Building Code.	
	4.2.5	All residential construction on the Rama Reserve shall be approved by an officer appointed by Council.	
	4.2.6	All residential lots shall be landscaped.	
4.3		No person shall be permitted to build more than one dwelling unit on the same residential lot.	NUMBER OF DWELLINGS
4.4		Notwithstanding any other provisions of this By-Law the minimum distance between buildings, one of which is a dwelling unit on the same residential lot, shall be 8 feet. This requirement, however while it is to exclude attached garages, is to include detached garages.	DISTANCE BETWEEN BUILDING
4.5		Mobile homes shall only be permitted in an area designated by Council as a mobile home park.	MOBILE HOME PROHIBITION
4.6		Notwithstanding any other provisions of this By-Law, no person shall be permitted to keep junk vehicles on his property.	JUNK VEHICLE PROHIBITION
4.7		In a Residential Zone, no person shall carry on a home occupation except in conformance with the requirements of a Residential Zone.	HOME OCCUPATION

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SECTION 5 - COMMERCIAL ZONE

5.1 Permitted Uses

Retail Stores  
Personal Service Stores such as Shoe Repair  
Laundromat  
Restaurants  
Automobile Service Stations  
Living Accommodation when within or attached to  
the same structure as the commercial use.

5.2 Requirements

- 5.2.1 (a) Front Yard ( Minimum ) 100 Feet  
(b) Side Yard ( Minimum ) 100 Feet  
(c) Side Yard (Minimum) 30 Feet  
corner lot or abutting residential zone  
(d) Rear Yard (Minimum) 50 Feet  
corner lot or abutting residential zone  
(e) Building Height (Maximum) 35 Feet

5.3 No person shall operate a commercial establishment  
without an operation license issued by the Band  
Administrator, a subsequent amendment to Schedule  
"A" of this By-Law, to establish an additional  
Commercial Zone, must then be passed by Council. LICENSING AND  
CONFORMING

5.4 Where a Commercial Zone abuts a Residential Zone  
there shall be within the Commercial Zone and  
adjacent to the abutting lot lines a strip of land not  
less than 10 feet in width which shall be used for  
landscaping. LANDSCAPING  
ADJACENT  
RESIDENTIAL  
ZONES

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- 5.5 In a Commercial Zone, no person shall erect or use a building for residential purposes except in conformance with the minimum floor area requirements of the Residential Zone and the Yard Requirements of the Commercial Zone. RESIDENTIAL REQUIREMENTS

SECTION 6 - INDUSTRIAL ZONE

6.1 Permitted Uses

Any industrial use approved by the Band Council.

6.2 Requirements

To be determined by the Band Council on an individual case basis. In general, industries must conform to all pertinent and federal regulations / requirements.

SECTION 7 - RURAL ZONE

7.1 Permitted Uses

Agricultural Uses  
Forestry Uses  
Associated Single Family Detached  
Dwellings

SECTION 8 - INSTITUTIONAL ZONE

8.1 Permitted Uses

Schools  
Churches  
Day Care Centres  
Band Buildings  
Community Centres  
Recreational Centres  
Cemeteries  
Parkland

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8.2 Requirements

Any institutional use approved by Council.

SECTION 9 - COMMERCIAL RECREATIONAL ZONE

9.1 Permitted Uses

Marinas  
Parks  
Tent and Trailer Parks  
Leased Cottage Lots  
Accessory Uses

9.2 Requirements

9.2.1 With the exception of summer cottages all commercial recreation establishments must specifically conform to Section 5 of this By-Law which refers to commercial zones.

9.2.2 Cottage Lot Requirements

- |     |                          |                    |
|-----|--------------------------|--------------------|
| (a) | Lot Frontage ( Minimum ) | 100 Feet           |
| (b) | Lot Depth ( Minimum )    | 200 Feet           |
| (c) | Lot Size ( Minimum )     | 20,000 Square Feet |
| (d) | Yards ( Minimum )        |                    |
|     | (i) front yard           | 50 Feet            |
|     | (ii) side yard           | 10 Feet            |
|     | (iii) exterior side yard | 10 Feet            |
|     | (iv) rear yard           | 50 Feet            |
| (e) | Floor Area (Minimum)     | 720 Square Feet    |

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- 9.2.3 In general, all commercial recreation establishments and summer cottages must conform to pertinent provincial and federal regulations / requirements.

**SECTION 10 - BUILDING PERMITS**

10.1 Issuance of Building Permits

- 10.1.1 The Head of the Building Department shall issue all building permits.
- 10.1.2 The Head of the Building Department shall follow the process set out in Building Permit Review Process which is set out in Section 10.5 to this By-law. The Head of the Building Department may make whatever additional inquiries or may seek whatever additional technical or legal advice he or she requires in order to properly assess compliance with the technical and legal requirements for each building permit application.
- 10.1.3 The Head of the Building Department shall report to Council all permits issued and all acts done by pertaining to this By-Law.
- 10.1.4 All building permit applications shall be submitted in the "Building Permit Application" form attached as Schedule "B" to this By-law.

10.2 Prohibition

No building shall be erected, constructed, added to or placed on any parcel of land or site unless and until a building permit for such work has been obtained from the Head of the Building Department.

10.3 Technical Requirements

- 10.3.1 No building permit shall be issued for the erection, addition to, or alteration of any building that contravenes any of the provisions of this By-Law, or any Act of the Government of Canada.

CHIPPEWAS OF MNJIKANING FIRST NATION  
Being a band within the meaning of the *Indian Act*

**MNJIKANING FIRST NATION**

**LAND USE AND DEVELOPMENT BY-LAW No. 79-10 as amended**

Being a By-law to regulate the use and development  
of land and the character and use of buildings on  
the Mnjikaning First Nation Reserve No. 32

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- 10.3.2 The installation and use of any sewage and waste water disposal system must be in accordance with the Provincial Environment Protection Act, Ontario 1971, and any of its subsequent amendments.
- 10.3.3 All buildings constructed must be in accordance with the National Building Code.
- 10.3.4 No building permit shall be issued for the erection, addition to, or alteration of Casino Rama or any part thereof that contravenes any of the provisions of this By-Law, or the 1997 Ontario Building Code or the 1995 National Building Code of Canada, whichever is more restrictive.

10.4 Legal Requirements

- 10.4.1 Before issuing a building permit the Head of the Building Department shall ensure that the applicant has obtained in writing the approval of the Simcoe County Health Unit for the water supply and sewage disposal system proposed for the building for which a permit is applied.
- 10.4.2 Before issuing a building permit to a Non-Resident applicant, the Head of the Building Department shall ensure that the applicant has obtained in writing the authorization of the registered property owner to make the application, and in the case of an application with respect to Casino Rama, the authorization shall be that of Mnjikaning First Nation Chief and Council.

10.5 Permit Application Process

- 10.5.1 All applications for a building permit shall be accompanied by plans in duplicate, drawn to an appropriate scale, based upon an actual survey showing the true shape and dimensions of the lot to be used, or upon which it is proposed to erect any building or structure, and showing the proposed location and dimensions of the building or work for which the permit is applied. In addition, the plan shall also show the location of every building already erected on or partly on the lot in question.

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- 10.5.2 An administration fee of \$20.00 shall accompany the application as well as a \$30.00 fee for inspection service.
- 10.5.3 A permit application is required to be completed by the owner, applicant or his/her designate (architect, engineer, or contractor) with a description of the proposed construction and submitted to the Mnjikaning First Nation Building Department. The applicant is also required to submit two full copies of construction drawings and specifications for review by the Building Department. One copy of the plans will be returned to the applicant upon issuance of the building permit. A Building Permit Application shall be made on the form attached as Schedule "B" to this By-Law.
- 10.5.4 The owner/applicant is required to submit to the Building Department a letter of undertaking which states that the subject construction will be designed and reviewed by an architect, professional engineer or both.
- 10.5.5 The design professional is required to submit to the Building Department a certificate stating that they have been retained by the owner/applicant to undertake the general review of the subject construction in accordance with the applicable technical requirements referred to in Section 10.3 of this By-Law, and in the case of Casino Rama, in accordance with Section 2.3 of the 1997 Ontario Building Code and Section 2.3 of the 1995 National Building Code of Canada.
- 10.5.6 A statement of design form is required to be completed by the design professional (architect and/or engineer) which will classify the building based on size and occupancy in accordance with Subsection 3.2.2 of the 1997 Ontario Building Code and Subsection 3.2.2 of the 1995 National Building Code of Canada, whichever is more restrictive.



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10.5.7 Two full sets of construction drawings for the proposed construction shall be submitted to the Building Department and bear the seal of the design architect and other professional disciplines for review by the Building Department prior to the issuance of the building permit.

10.6 Processing and Review of Applications

10.6.1 Upon receipt of a complete application for a building permit, the Building Department shall review the application for compliance with the technical requirements outlined in Section 10.3 of this By-Law, and with the legal requirements set out in Section 10.4 of this By-Law.

10.6.2 The Head of the Building Department may issue a decision which sets out the areas of deficiency in a permit application in order to assist the permit applicant in remedying the deficiencies in its building permit application.

10.6.3 Following the issuance of a building permit, and before issuance of an occupancy permit by the Building Department, the Building Departments shall be entitled to attend at the premises and conduct one or more inspections, as required by the Head of the Building Department, to ensure that the construction complies with the requirements of this By-Law, including any technical requirements under Section 10.3 hereof.

10.7 Appointment of Non-Resident Applicant

10.7.1 Where an application is made by a non-resident applicant in respect of a property that requires the authorization of Mnjikaning First Nation Chief and Council in accordance with Section 10.4.2 of this By-Law, the permit shall provide, in addition to the terms prescribed in the form attached as Schedule "C" to this By-Law, that the applicant and any contractors providing goods or services to the project authorized by the permit are appointed to act and to contract for or provide the said goods or services as agents on behalf and for the benefit of Mnjikaning First Nation, as owner.

CHIPPEWAS OF MNJIKANING FIRST NATION  
Being a band within the meaning of the *Indian Act*

**MNJIKANING FIRST NATION**

**LAND USE AND DEVELOPMENT BY-LAW No. 79-10 as amended**

Being a By-law to regulate the use and development  
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10.7.2 Where an application is made by a non-resident applicant in respect of a property that requires the authorization of any resident member of Mnjikaning First Nation Chief and Council in accordance with Section 10.4.2 of this By-Law, the letter of authorization in respect of the application may request that the permit make provision, in addition to the terms prescribed in the form attached as Schedule B to this By-Law, that the applicant and any contractors providing goods or services to the project authorized by the permit be appointed to act and to contract for or provide the said goods or services as agents on behalf and for the benefit of the owner.

SECTION 11 - ENFORCEMENT AND ADMINISTRATION

- |      |   |                           |
|------|---|---------------------------|
| 11.1 | The Band Administrator shall maintain the original of this By-Law in an up-to-date manner, including all amendments, and have these documents available for examination in his office on the Rama Indian Reserve, during normal office hours.   | AVAILABILITY<br>OF BY-LAW |
| 11.2 | While all the regulations contained herein become legally in force on the enactment of this By-Law, the Band Council may, whenever the public necessity, convenience or general welfare requires, and after a careful consideration, amend or change any part of this By-Law. Should this amendment contradict any part of this By-Law, that part must first be amended to permit this By-Law change. | AMENDMENTS                |
| 11.3 | If any provision of this By-Law, including any part of the zoning as shown on Schedule "A" is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and affect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.  | SEVERABILITY              |
| 11.4 | A person who violates a provision of the By-Law, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding 30 days, or both fine and imprisonment.   | PENALTY                   |

CHIPPEWAS OF MNJIKANING FIRST NATION  
Being a band within the meaning of the *Indian Act*

**MNJIKANING FIRST NATION**

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- 11.5            The Band Council will seek a Court Order ordering that    COURT ORDER  
any person erecting a structure in contravention of this  
By-Law will either demolish the said structure or bring it  
up to the necessary standard within reasonable length  
of time (to be stated in the Court Order) and that failing  
this, the Band Council may have this work carried out  
and collect the charges from the offending person.

SECTION 12 - TRANSITION

- 12.1    This amended By-Law will apply retrospectively to all permit    TRANSITION  
applications in respect of which no building permit has been issued  
as of the day on which this by-law comes into force.

ORIGINAL SIGNED BY:

Chief:            Norman V. Stinson  
Councillors:    Melville Simcoe Sr.  
                         Leland Williams  
                         Kenneth L. Snache

SCHEDULES

- A            Designated Land Use Map of Mnjikaning First Nation  
B            Building Permit Application Form

## SCHEDULE "B"

### BUILDING PERMIT APPLICATION AS AUTHORIZED BY THE CHIPPEWAS OF MNJIKANING FIRST NATION BY-LAW NO. 79-10 AS AMENDED

APPLICATION DATE:			PERMIT APPLICATION NUMBER:		
PERMIT ISSUANCE DATE:					
PERMIT TYPE:                   ↑   NEW                   ↑   ADDITION   ↑   RENOVATION					
↑ COMPLEX RESIDENTIAL ↑ INDUSTRIAL ↑ COMMERCIAL / RECREATIONAL ↑ INSTITUTIONAL ↑ OTHER (SPECIFY)		DESCRIPTION OF CONSTRUCTION:			
PERMIT FEE:					
<b>PROPERTY LOCATION</b>					
STREET NO.					UNIT NO.
LOT NO.	BLOCK NO	PLAN NO.		CONCESSION NO.	
<b>OWNER</b>					
LAST NAME			FIRST NAME		INITIALS
STREET NO.	STREET NAME				APT. / UNIT NO.
CITY / TOWN			PROVINCE		POSTAL CODE
PHONE NUMBERS					
HOME:		BUSINESS		FAX:	
<b>APPLICANT</b> (MUST BE THE NAME OF THE PERSON SUBMITTING THE APPLICATION)      Resident: Yes <input type="checkbox"/> No <input type="checkbox"/>					
LAST NAME			FIRST NAME		INITIALS
STREET NO.	STREET NAME				APT. / UNIT NO.
CITY / TOWN			PROVINCE		POSTAL CODE
PHONE NUMBERS					
HOME:		BUSINESS		FAX:	

# SCHEDULE "B"

## BUILDING PERMIT APPLICATION AS AUTHORIZED BY THE CHIPPEWAS OF MNJIKANING FIRST NATION BY-LAW NO. 79-10 AS AMENDED

<b>BUILDER</b> (IF KNOWN)		
LAST NAME	FIRST NAME	INITIALS
NAME OF COMPANY		
STREET NO.	STREET NAME	UNIT NO.
CITY / TOWN	PROVINCE	POSTAL CODE
PHONE NUMBER	FAX NUMBER	
<p>THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT IN ACCORDANCE WITH THE APPLICATION. PLANS AND SPECIFICATIONS SUBMITTED AND ATTESTS THAT THE CONSTRUCTION HEREIN APPLIED FOR, TO THE BEST OF HIS/HER KNOWLEDGE, COMPLIES WITH THE 1997 ONTARIO BUILDING CODE. THE 1995 NATIONAL BUILDING CODE OF CANADA (WHICHEVER IS MOST STRINGENT) AND THE MNJIKANING FIRST NATION LAND USE BY-LAW.</p> <p>I, _____ OF THE _____ OF _____ (PRINT APPLICANT'S NAME) (CITY, TOWN)</p> <p>1. THAT I AM [ THE REGISTERED PROPERTY OWNER</p> <p>2. [ AUTHORIZED IN WRITING BY THE REGISTERED PROPERTY OWNER TO MAKE THIS APPLICATION AND THE LETTER OF AUTHORIZATION IS ATTACHED</p>		

4009867

## **SCHEDULE "B"**

### **CHIPPEWAS OF MNJIKANING FIRST NATION BUILDING DEPARTMENT - PERMIT PROCESS**

#### **1.0 PERMIT APPLICATION AND CONSTRUCTION DRAWINGS**

A permit application is required to be completed by the owner, applicant or his/her designate (architect, engineer, or contractor) with a description of the proposed construction and submitted to the Mnjikaning First Nation Building Department. The applicant is also required to submit two full copies of construction drawings and specifications for review by the Building Department. One copy of the plans will be returned to the applicant upon issuance of the building permit. (Please find as Attachment 'A' a draft of a Building Permit Application)

#### **2.0 OTHER DOCUMENTATION**

##### **2.1 Owner's Letter of Undertaking**

The owner/applicant is required to submit to the Building Department a letter of undertaking which states that the subject construction will be designed and reviewed by an architect, professional engineer or both.

##### **2.2 Owner's Letter of Approval**

A non-resident applicant is required to submit to the Building Department written authorization from the owner to make the building permit application.

##### **2.3 General Review Commitment Certificates**

The design professional is required to submit to the Building Department a certificate stating that they have been retained by the owner/applicant to undertake the general review of the subject construction in accordance with Section 2.3 of the 1997 Ontario Building Code and Section 2.3 of the 1995 National Building Code of Canada.

##### **2.4 Statement of Design**

A statement of design form is required to be completed by the design professional (architect and/or engineer) which will classify the building based on size and occupancy in accordance with Subsection 3.2.2 of the 1997 Ontario Building Code and Subsection 3.2.2 of the 1995 National Building Code of Canada, whichever is more restrictive.

##### **2.5 Construction Drawings**

Two full sets of construction drawings for the proposed construction shall be submitted to the Building Department and bear the seal of the design architect and other professional disciplines for review by the Building Department prior to the issuance of the building permit.

**SCHEDULE "B"**

**BUILDING PERMIT PROCESS  
CHIPPEWAS OF MNJIKANING FIRST NATION**

**BUILDING PERMIT APPLICATION INCLUDING:**

- **TWO (2) FULL SETS OF CONSTRUCTION DRAWINGS & SPECIFICATIONS**
- **LETTER OF UNDERTAKING**
- **LETTER OF AUTHORIZATION FROM OWNER**
- **CONSTRUCTION REVIEW COMMITMENT CERTIFICATES**
- **STATEMENT OF DESIGN**



**BUILDING DEPARTMENT COMPLIANCE REVIEW  
RE: OBC/NBC & LAND USE BY-LAW**




**BUILDING DEPARTMENT PERMIT ISSUE COMPLETE WITH ONE SET OF  
PLANS/SPECIFICATIONS & PERMIT CARD**



**BUILDING DEPARTMENT CONSTRUCTION INSPECTIONS**



**BUILDING DEPARTMENT / FIRE DEPARTMENT OCCUPANCY PERMIT**

<b>Band Council Resolution</b>		Chronological no. <b>476-2005-2006-024</b>
		File reference no.
NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.		
The Council of  Chippewas of Mnjikaning First Nation		Cash free balance
		Capital Account \$ _____
Date of duly Convened meeting → <b>July 11, 2005.</b>	Province <b>ONTARIO</b>	Revenue Account \$ _____

**DO HEREBY RESOLVE:**

**WHEREAS** Chief and Council recognize By-laws 79-10, 95-21 and 95-22 dealing with the building permit process on Mnjikaning First Nation territory;

**AND WHEREAS** Chief and Council wish to update the building process to consolidate the building by-laws;

**BE IT SO MOVED** by a quorum of Chief and Council to adopt the changes to the building permit by-laws as presented on June 24, 2005 in relation to the building permit process and agree to consolidate these three by-laws to now be known as "By-law #79-10 as amended" as per the attached.

"Carried"

Quorum: Four

*Sharon Stinson Henry*  
Chief Sharon Stinson Henry

*Rodney Nogaosh*  
Councillor Rodney Nogaosh

*Robert T. Stinson*  
Councillor Robert T. Stinson

*George St. Germain*  
Councillor George St. Germain

*Ellis Snache*  
Councillor Ellis Snache

*Norman V. Stinson*  
Councillor Norman V. Stinson

*Byron Stiles*  
Councillor Byron Stiles

FOR DEPARTMENTAL USE ONLY								
Expenditure	Authority (Indian Act Section)	Source of funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue		Expenditure	Authority (Indian Act Section)	Source of funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue		
Recommending Officer			Recommending Officer					
_____ Signature		_____ Date		_____ Signature		_____ Date		
Approving Officer			Approving Officer					
_____ Signature		_____ Date		_____ Signature		_____ Date		