

THE SEMIAHMOO INDIAN RESERVATION

BY-LAW NO. 2

A By-law to regulate the construction, erection, equipment, alteration, additions repair and removal of buildings in the Semiahmoo Indian Reservation, pursuant to the provisions of Section 80 of the "Indian Act" being Chapter 149 of the Revised Statutes of Canada, 1952 and amendments thereto.

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The Band Council of The Semiahmoo Indian Band, in open meeting assembled, ENACTS AS FOLLOWS:

1. This by-law may be cited for all purposes as "Semiahmoo Indian Reservation Building By-Law, 1970, No. 2".
2. "The National Building Code of Canada 1965" is hereby adopted and made part of this by-law, save and except "Part I - Administration" of said Building Code.
3. The provisions of this by-law shall apply to the whole area of the Semiahmoo Indian Reservation.

PART I - Administration

1.1. Scope:

No structure or part of a structure shall hereafter be built, altered, repaired, demolished, or moved until a Building Permit therefor has been granted by the Building Inspector. All structures hereafter built, repaired, altered or moved are subject to inspection by the Building Inspector. The Building Inspector shall have the right of entry at any convenient time for the purpose of enforcing the regulations contained in this by-law.

1.2. Building Inspector:

A Building Inspector or Building Inspectors may be appointed by the Band Council by resolution.

1.2.2. It shall be the duty of the Building Inspector, and he is hereby authorized and empowered, to enforce the provisions of this by-law.

1.2.3. The Building Inspector is hereby authorized and empowered to issue permits for the purposes mentioned in this by-law, and to exercise general supervision over the construction, equipping, altering, extending, repairing, removing or pulling down of all buildings and structures, and to perform all other duties hereinafter imposed on him.

1.3 Application for a Building Permit:

Application for a Building Permit shall be filed by the owner or his agent with the Building Inspector upon a form provided for the purpose and giving such information as the Building Inspector shall require. Such application shall be accompanied by two complete sets of plans and specifications including a plot plan showing the relationship of the proposed building to abutting property lines and buildings. If, in the opinion of the Building Inspector the character of the work is sufficiently described in the application, he may waive the filing of plans, provided the value of such work does not exceed One Thousand Dollars (\$1,000.00).

1.4 Issuance of Permit:

1.4.1. If the Building Inspector finds that the proposed building will comply in every respect with all the by-laws of the Semiahmoo Indian Band, he may issue a Building Permit, and one set of the plans and specifications authenticated by the Building Inspector shall be kept at the site of the proposed building.

1.4.2. If the Building Inspector finds that a part of the proposed building will comply in every respect with all the by-laws of the Semiahmoo Indian Band, he may issue a Building Permit

for that part, and one set of the plans and specifications for that part of the building authenticated by the Building Inspector shall be kept at the site of the proposed building.

- 1.4.3. After issuance of the Building Permit, the plans and specifications shall not be altered unless such change is approved by the Building Inspector as conforming to this by-law, and such alteration is duly authenticated by the Building Inspector.
- 1.4.4. The approval of plans and/or specifications and the issuance of a permit for the erection, alteration or repair of a building shall not in any way relieve the owner from full responsibility for carrying out the work in accordance with the provisions of this by-law.
- 1.4.5. The Building Inspector may revoke a permit where there is a violation of:
  - (a) Any condition under which the permit was issued, or
  - (b) Any provision of this by-law.

1.5. Stop Work Orders:

- 1.5.1. The Building Inspector shall have the authority and power to direct the immediate suspension or correction of all or any portion of the work on any building, by attaching a notice to that effect on such premises whenever it is found by him that such work is not being performed in accordance with the provisions of this or any other by-law.
- 1.5.2. Failure to comply with the provisions of this section of this by-law, shall constitute an infraction of this by-law.
- 1.5.3. When any building or structure, or part thereof is erected contrary to the provisions of this by-law, or is in the opinion of the Band Council a dangerous nuisance, the Building Inspector is hereby authorized and empowered to give the owner or agent thirty (30) days notice to correct same and failing such correction being made within the time

specified, the Band Council may by resolution direct the complete or partial demolition, pulling down or removal of such building or structure or part thereof, at the expense of the owner thereof; and the cost of demolition or pulling down of same may be recoverable by the Band Council by summary process at law in any Court of competent jurisdiction.

1.6. Lapse of Permit:

- 1.6.1 A Building Permit shall become void unless construction pursuant to the permit is commenced within six months from the date of issuance of the permit. No building permit shall be valid after six months, unless such time has been extended in writing by the Building Inspector, but in no case shall such extension exceed two years.

1.7. Inspection Duties of the Owner:

- 1.7.1. The owner of a building or the holder of a Building Permit shall notify the Building Inspector and the Building Inspector shall inspect the building or any part thereof at the following stages of construction.
- 1.7.2. When the foundation forms are completed and prior to the placing of any concrete.
- 1.7.3. When the structure or any part is complete and before any inside cladding is placed.
- 1.7.4. When any reinforcing steel is placed, and before any concrete is poured.
- 1.7.5. When the building or structure is complete and prior to any occupancy.
- 1.7.6. The Building Inspector may inspect the building at any other time when he may deem it necessary to enforce any of the provisions of this or any other by-law.

1.8. New Buildings

- 1.8.1. No person shall occupy or permit occupancy of any building hereafter erected until there has been issued

an occupancy certificate for it by the Building Inspector. The Building Inspector shall determine that all of the relevant by-laws of the Semiahmoo Indian Band have been complied with and that the exterior cladding on the building is completed prior to the issuance of such certificate.

- 1.8.2. Temporary Occupancy: Upon request of the holder of a permit or of the owner, the Building Inspector may issue a temporary certificate of occupancy for part of a building, provided that such temporary occupancy or use would not jeopardize life, property or the health of the inhabitants.
- 1.8.3. The holder of a Building Permit or any owner may request an occupancy certificate be issued for a building or part of a building prior to the development being completed, and being in full compliance with all relevant by-laws provided that:
- (i) The use of the building would not jeopardize life, property or the health of the inhabitants.
  - (ii) The applicant deposits a cash security equivalent to the cost of the work, with the Band Council and guarantees the said work will be completed within the time specified in the agreement covering said occupancy.

1.9. Change of Use

- 1.9.1. No change in the type of use of any structure shall be made without first applying for a Building Permit. Upon application for such permit, the Building Inspector shall inspect the structure and he may issue such permit only if the building complies with the provisions of all the by-laws of the Band Council for the new use, or if the proposed alterations will result in such compliance. A change in the type of use shall be interpreted to mean a new use of an existing structure.
- 1.9.2. Part One of this By-law shall be subject to the restrictions imposed by the "Zoning By-Law" of the Band Council.

- 1.9.3. Any building to be erected and used as a single family dwelling located in a "Year Round Residential Zone" shall contain not less than eight hundred (800) square feet of habitable floor space.
- 1.9.4. Any building to be erected and used as a single family dwelling located in any other zone shall contain not less than five hundred (500) square feet of habitable floor space.
- 1.9.5. Any building to be erected and used as a two (2) or three (3) family dwelling located in a permitted residential zone, shall have a floor area of four hundred (400) square feet per unit.
- 1.9.6. Any building to be erected and used as an apartment building of three (3) suites or more, located in a "Year Round Residential Zone" shall have a floor area of four hundred (400) square feet per suite; Provided, however, that one (1) suite of three hundred and twenty (320) square feet shall be permissible with each three (3) suites of four hundred (400) square feet.

1.10. Permit Fees:

Before receiving a building permit for any building, the applicant therefor shall pay to the Band Council the following fees:-

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|---------|---|--------|
| 1.10.1. | Minimum Permit fee or a permit fee for work having a valuation of \$1,000.00 or less.   | \$5.00 |
| 1.10.2. | For work having a valuation of more than \$1,000.00 but not more than \$25,000.00 - a fee per \$1,000.00 of value or portion thereof of | 2.50   |
| 1.10.3  | For work having a valuation of more than \$25,000.00 a fee per \$1,000.00 or portion thereof of   | 1.50   |
| 1.10.4  | For moving a building or structure a fee of   | 5.00   |
| 1.10.5  | For demolishing a building or structure a fee of  | 3.00   |
| 1.10.6  | For the erection of a chimney a fee of  | 5.00   |

- 1.10.7. For a change in the type of use as set out in  
Section 1.9. a fee of \$5.00
- 1.10.8. For the erection or installation of any sign  
a fee of 10.00
- 1.10.9. For a site inspection prior to the moving of a  
building or structure a fee of 5.00

1.11 Approval of New Materials

- 1.11.1 Methods of construction and the use of materials not  
specifically regulated by this by-law may be permitted  
provided their suitability and safe working stresses have  
been approved on the basis of laboratory tests and are  
approved by the Building Inspector.

1.12 Alteration, Repair and Maintenance

- 1.12.1 Any alteration to the structural portion of any building  
shall conform to the requirements of all the by-laws of  
the Band Council.

1.13 Repair of Damaged Buildings

- 1.13.1 No building damaged more than fifty per centum (50%) of  
its original value by fire, decay, storm or otherwise,  
shall be repaired unless in every respect the whole of  
the building, including the undamaged portion, is made to  
comply with the by-laws of the Band Council.

1.14 Notice to Alter Buildings

- 1.14.1. The Building Inspector may direct and require that any  
building or portion thereof be vacated, or the occupancy  
prohibited, until altered to comply with the conditions and  
requirements of this by-law. By serving five (5) days  
notice thereto upon the owner or his authorized agent or  
by mailing the same by registered mail to his last known  
address, or by posting the same on the outside of the said  
building, whenever it be found by said Building Inspector  
the following conditions or any of them exist:

- 1.14.2. That such building has been erected, altered or repaired subsequent to the passage of this by-law in manner contrary to its provisions or the permit issued thereunder.
- 1.14.3. That the construction, arrangement or equipment of such building or portion thereof is contrary to the provisions of this by-law or the permit issued thereunder.
- 1.14.4. That the workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.
- 1.14.5. That such building is unsafe to human life or to property from any cause whatever or in imminent danger of so becoming.
- 1.14.6. That such building is not provided to the extent and in the manner required by this by-law with proper and sufficient egress in case of fire and fire protection and fire extinguishing apparatus or of light, ventilation or sanitation.
- 1.14.7. Such building shall not be occupied until all such alterations have been approved by the Building Inspector.
- 1.14.8. Any person being so directed or required pursuant to this section and failing to comply therewith shall be guilty of an infraction of this by-law.

1.15. Alterations and Additions

Any building being raised or removed from its existing foundation or having any alterations or additions to the extent of more than fifty percentum (50%) of the value of the original building shall be made to conform in entirety to the requirements of this by-law governing new buildings.

1.16. Moving Buildings

- 1.16.1. Every application for a permit to move a building, shall designate the site of the building to be moved and the site to which the building is to be moved. Permission to use the public streets and highways shall be obtained from the proper authority.



- 1.16.2. Notice of disconnection from public water and sewerage systems, where affected, shall be given to the proper authority and such disconnection must be carried out under its supervision.
- 1.16.3. No building that is to be used as a dwelling may be moved into the Semiahmoo Indian Reservation.
- 1.16.4. A building situate within the Semiahmoo Indian Reservation may be moved within the said Reservation provided:
- 1.16.5. The building is not older than the majority of the buildings situate on properties within five hundred (500) feet of the site to which it is proposed to move the building, and
- 1.16.6. It conforms to the structural and architectural standards of the majority of the buildings situate on properties within five hundred (500) feet of the site to which it is proposed to move the building.
- 1.16.7. Buildings which do not conform to the requirements of Section 1.16.6. hereof may be moved pursuant to the provisions of this section, if the owner first submits plans showing the architectural and structural changes required in order to make the building conform to the structural and architectural standards of the majority of the buildings situate on properties within five hundred (500) feet of the site to which it is proposed to move the building and secondly, provides a performance bond acceptable and payable to the Band Council in an amount equal to the estimated cost of the architectural and structural changes required to make the building conform as hereinbefore provided. The said performance bond shall be estreated to the Band Council if the applicant fails or refuses to carry out the work required to make the building so conform within one (1) year from the date of application for permission to move the said building and the Building Inspector shall give the owner, tenant or occupier

thirty (30) days notice to vacate the premises and to remove the building from the site to which it had been moved pursuant to the permission hereinbefore referred to.

- 1.16.8. Notwithstanding Section 1.16.3. of this Section, a newly constructed dwelling that has never been occupied, even if being moved from outside the Semiahmoo Indian Reservation, will be considered to be a dwelling situate within the Reservation for the purpose of this section.

1.17. Penalty for Infraction

- 1.17.1. Any person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention of this by-law, or who neglects to or refrains from doing any act or thing which violates any of the provisions of this by-law, shall be liable upon summary conviction to a fine not exceeding one hundred (\$100.00) Dollars or to imprisonment for a period not exceeding thirty (30) days, or to both fine and imprisonment.

1.18. Effective date of By-law

- 1.18.1. This By-law shall come into force forty (40) days after a copy thereof is forwarded to the Minister of Citizenship and Immigration and is not disallowed by the Minister within that period.

PASSED by the Band Council on the 20<sup>th</sup> day of JUNE

A.D. 1970.

RECONSIDERED AND FINALLY ADOPTED, signed by the Chief of the Band, and sealed with the Corporate Seal of the Band on the 4<sup>th</sup> day of JULY A.D. 1970.

Bernard R. Pham  
Chief

A duly certified copy of this by-law was forwarded to the Minister of Citizenship and Immigration on the 6<sup>th</sup> day of

A.D. 1970.

Bernard R. Pham  
Chief