

SOR/79-792

THE LOWER NICOLA BAND OF INDIANSBY-LAW NO. 1-1979

Being a by-law to provide regulations for occupancy and building maintenance standards.

WHEREAS under the provisions of the National Housing Act no loan may be made by the Central Mortgage and Housing Corporation (hereinafter called the Corporation) for the purpose of rehabilitation of existing residential buildings unless standards of occupancy and building maintenance satisfactory to the Corporation have been adopted in the Reserve in which the building is located;

AND WHEREAS the Council of the Band deems it expedient to make a by-law prescribing the minimum standards for occupancy and building maintenance of all properties rehabilitated through the Residential Rehabilitation Assistance Program of the Corporation;

AND WHEREAS section 81(h), (q) and (r), of the Indian Act empowers the Council of a Band to make by-laws for the purpose of regulating construction, repair and use of buildings on reserves and the imposition on summary conviction of a fine or imprisonment for violation of a by-law;

NOW THEREFORE the Council of LOWER NICOLA Band of Indians enacts as a by-law the following:

1. This by-law shall be known as the LOWER NICOLA Band RRAP Standards By-law No. 1 - 1979.
2. In this by-law
 - "Building Inspector" means a person authorized by Council to inspect buildings on the Reserve as set out in this By-law;
 - "Corporation" Means the Central Mortgage and Housing Corporation ;
 - "Council" means the duly elected council of LOWER NICOLA Band of Indians;
 - "Owner" means a person who has legal title to or is in possession of a building situated on the reserve or land which has been surrendered to Her Majesty for leasing purposes and includes a person who has received a loan under Section 3;

"RRAP" means the Residential Rehabilitation Assistance Program of the Corporation;

"Reserve" means tract of land set aside for the use and benefit of the LOWER NICOLA Band of Indians;

3. Every person who has received a loan from the Corporation for the purpose of rehabilitation of an existing real property located within the Reserve through the RRAP shall comply with the occupancy and building maintenance standards as set forth in Schedule 'A' referred to in section 4.
4. The standards for the rehabilitation of residential buildings issued by the Corporation are hereby amended for the purposes of maintenance and occupancy and form part of this by-law as Schedule 'A' hereto.
5. Where, in the opinion of the Building Inspector work is required to maintain the rehabilitation made of real property through the RRAP, in conformity with Schedule 'A', the Building Inspector may give notice to the owner of the property specifying the work to be done and the period of time within which the work is to be completed.
6. Every person who receives notice referred to in section 5 shall comply with all the terms of such notice.
7. Every person who applies for a loan from the Corporation as stated in section 3 shall permit the Building Inspector reasonable access to the property intended to be rehabilitated through the RRAP for the purpose of determining whether such property is eligible for the RRAP assistance.
8. Every person who has received a loan from the Corporation as stated in section 3 shall permit the Building Inspector reasonable access to the property assisted through the RRAP for the purpose of determining whether the provisions of this by-law are being or have been complied with.
9. Every person who has received a loan from the Corporation as stated in section 3 shall use the rehabilitated premises solely for residential purposes and in a manner consistent with the standards of maintenance as prescribed in Schedule 'A'.
10. The Council may from time to time appoint one or more persons who shall perform the duties of Building Inspector as provided by this by-law. A person so appointed shall hold the position at the pleasure of the Council.

- 11. Every person who feels aggrieved by the determination of the Building Inspector may upon a written application request the Council to review the determination of the Building Inspector, and upon receipt of such application, the Council shall within seven days review in open meeting the application. Both the applicant and the Building Inspector may call evidence, be represented by counsel, cross-examine witnesses and make submissions; the Council shall forthwith deliver a decision on the application. The decision shall be binding and final.

- 12. Every person who impedes or interferes with the conduct of the work of the Building Inspector, or who violates any provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment not exceeding thirty days, or both a fine and imprisonment.

APPROVED AND PASSED at a duly convened meeting of the Council this

4th day of October, 1979.

John Jackson

Gene Moses
Councillor

R.W. Sterling
Councillor

Councillor

Councillor

Councillor

Councillor

SCHEDULE 'A'
STANDARDS FOR MAINTENANCE AND OCCUPANCY

1.1 SERVICES AND FACILITIES

Utility shut-offs for common services such as water, sewer, gas and electricity in each housing unit shall be maintained in good repair as determined by the Building Inspector.

1.2 DILAPIDATED BUILDINGS

All dilapidated portions of structures, ancillary buildings and fences as determined by the Building Inspector shall be removed or repaired.

1.3 PROTECTION AGAINST TERMITES AND OTHER PEST INFESTATION

Where the presence of termites or pests is evident or suspected, appropriate measures for extermination and protective measures against future termite infestation shall be undertaken.

2.1 WALKS AND DRIVEWAYS

Walks and driveways shall be restored to a safe condition as determined by the Building Inspector where they constitute a safety hazard.

2.2 SITE DRAINAGE

Adequate surface water drainage away from the structure shall be provided in a manner determined by the Building Inspector.

3.1 FIRE PROTECTION

A high degree of safety to life and the protection of property shall be provided by the use of materials which retard the spread of fire and prevent the passage of flame, smoke and hot gasses through open or concealed spaces within the building, and by maintaining exits which will permit persons to leave the building with safety. Smoke alarms and fire extinguishers shall be maintained in an operating condition as determined by the Building Inspector.

4.1 STRUCTURAL - GENERAL

All structural components of the building shall be sound. Structural members in a seriously deteriorated condition (as determined by the Building Inspector) shall be replaced. Loose jointing of structural members, sagging roofs, floors, interior stairs, exterior landings/ stairs, balconies and bulging walls shall be restored, as far as practicable, to their original position and firmly supported or braced, or shall be replaced. It is essential that the structural integrity of the building is restored as necessary.

4.2 FOUNDATIONS

Foundations shall be restored to ensure that they shall reasonably support the loads imposed and to a standard as determined by the Building Inspector.

When moisture or water penetration will cause structural damage or loss of use of the basement or crawlspace, the foundation walls shall be dampproofed or waterproofed and drainage provided.

Crawlspace shall be vented to the exterior. They shall be provided with access hatches.

4.3 EXTERIOR WALLS

Exterior walls shall be maintained in sound condition capable of supporting likely loads, e.g. dead loads, and preventing the entry of moisture into the house.

4.4 INTERIOR WALLS AND COLUMNS

Interior walls, partitions and columns shall be maintained in a sound condition as determined by the Building Inspector. Load bearing walls, partitions and columns shall be capable of supporting likely loads e.g. floor loads.

4.5 ROOFS

All roof construction components shall be capable of supporting likely loads e.g. snow loads, and form a suitable base for the roof covering, which shall be watertight.

Enclosed attic and roof spaces shall be vented to the exterior.

Access hatches shall be provided to attics and other enclosed space.

4.6 FLOORS

All floor construction components shall provide reasonable support and form a suitable base for the floor covering.

Basement and crawl space floors shall be dampproofed.

5. CAULKING

Joints around doors and window frames, louvres, fans etc., and all other unprotected joints in the exterior construction shall be caulked or recaulked where necessary to prevent the entry of moisture or drafts.

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6. WINDOWS

Existing windows including hardware shall be maintained in an acceptable condition. Defective hardware and deteriorated sash and frame members shall be repaired/replaced to restore the window to a sound condition as determined by the Building Inspector.

7. DOORS

Existing doors and hardware (including storm doors) shall be maintained except where the degree of deterioration and/or damage justifies replacement. All exterior doors shall be effectively weatherstripped.

8.1 EXTERIOR WALLS AND ROOFS

All exterior walls and roofs shall be maintained to prevent the entry of moisture into the structure and provide reasonable durability. All exterior material subject to deterioration in its unprotected state shall be painted or otherwise suitably treated.

Total re-roofing shall be made only where repair or replacement of sections is impracticable.

8.2 INTERIOR WALLS AND CEILINGS

Cracks and defects in interior wall and ceiling finishes shall be repaired.

Water resistant finishes around shower stalls and bathtubs in bathrooms shall be maintained.

8.3 FLOORS AND STAIRS

Floors and stair finishes creating hazardous or unsanitary conditions as determined by the Building Inspector shall be replaced. Handrails shall be provided.

9.1 BUILDING SERVICES

All heating systems shall be maintained in a clean and safe operating condition. No combustible material shall be permitted adjacent to heating system.

Every vent pipe, chimney and smoke pipe shall have sufficient clearance or be protected to prevent overheating of adjacent combustible materials and the entrance of noxious gases into the dwelling.

Smoke pipes shall have a minimum clearance from unprotected combustible materials as follows:

- a) Oil and gas burning appliances - 230 mm
- b) Solid fuel burning appliances - 450 mm

Smoke pipes shall be replaced if the existing pipes are deteriorated. Pipes shall be installed with sufficient hangers/straps to avoid sagging. Dampers shall be provided.

The pipes shall be sized according to the manufacturer's specifications for the heating equipment.

The Canadian Heating Ventilating and Air-Conditioning Code 1977 is to be used to determine "good practice".

9.2 PLUMBING

All defective plumbing pipes, fixtures, etc., as determined by the Building Inspector shall be restored to a sound condition and protected from freezing.

Galvanized pipe for domestic hot water systems may be replaced by other acceptable piping where there is evidence of significant corrosion or restricted flows.

9.3 SEWAGE DISPOSAL

An acceptable means of sewage disposal as determined by the Building Inspector or by a representative of the Regional Director, Department of National Health and Welfare shall be maintained.

Acceptable is deemed to include any method of disposal which complies with the requirements of the authority having jurisdiction.

9.4 ELECTRICAL SERVICES

The electrical distribution system e.g. panel boxes, wiring, receptacles, etc. shall be maintained in sound and safe condition as required by the authority having jurisdiction.

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