

JANVIER INDIAN RESERVE NO. 194

**BY-LAW NO. _____
ZONING BY-LAW**

**JANVIER INDIAN BAND
JANVIER, ALBERTA**

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BY-LAW NO. _____
of the Janvier Indian Band
A BY-LAW DIVIDING THE RESERVE INTO ZONES
AND REGULATING THE USE OF LAND AND
REGULATING THE CONSTRUCTION, REPAIR AND USE OF
BUILDINGS ON THE RESERVE.

WHEREAS the Chief and Council of the Janvier Indian Band desire to make a by-law dividing the reserve into zones and regulating the use of land, and regulating the construction, repair and use of buildings on the reserve;

AND WHEREAS the Chief and Council of the Janvier Indian Band is empowered to make such by-law pursuant to paragraphs 81(1)(g), (h), (q) and (r) of the Indian Act;

AND WHEREAS it is considered necessary for the development of the reserve lands of the Janvier Indian Band to regulate the use of reserve lands;

NOW THEREFORE the Chief and Council of the Janvier Indian Band hereby make the following by-law:

PART ONE - GENERAL

Preliminary

1. (1) This by-law may be cited as the "Janvier Indian Band Zoning By-law."
- (2) Schedules A, B and C are deemed to be part of this by-law

Interpretation

2. In this by-law:

"accessory building" means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same parcel of land;

"accessory use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

"agriculture" means a use of land, buildings or structures for the purpose of field crops or fruit, market gardening, dairying, animal husbandry, poultry raising, bee keeping and such uses as are customarily and normally related to agriculture;

"applicant" means any person having a right to possession or other interest in property recognized by the Council or a person acting as the authorized representative of such person and who has applied under the provisions of this by-law for a permit for the development of land;

"Band" means the Janvier Indian Band;

"building" includes any structure, erection, stockpile, sign, or fixture that may be built or placed on land;

"building height" means the distance measured perpendicularly from the finished lot grade to the eaves of the building;

"Council" means the Band Council, as defined in the Indian Act, of the Janvier Indian Band;

"Community Plan" means the Community Plan adopted by the Band Council which shows conceptual land use and development proposals for the various reserve areas;

"development" means the carrying out of any construction, excavation, or other operations in, on, over or under land, or the making of any change in the use or in the intensity of use of any land, building or premises and for the avoidance of doubt and without restricting the generality of the foregoing includes:

- a) in a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alterations or additions which provide for an increase in the number of dwelling units within the building or on the parcel,
- b) in a building or on a parcel used for other than dwelling purposes, any alterations or additions which increase the capacity of the building or parcel or which provide for an increase in the intensity of use of the building or parcel,
- c) the display of advertisements on the exterior of any building or on any land,
- d) the deposit of debris, waste material from building or mining operations or other refuse or material on any land, including land already being used for that purpose if the surficial area or height of any existing deposit is thereby extended,
- e) the removal of topsoil, trees and shrubs, earth and gravel excavation from any land,
- f) the resumption of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than twelve months,
- g) the use or more frequent use for storage purposes, or for the repair of motor vehicles or other types of machinery, of land that was hitherto either not used at all or not used so frequently for those purposes,

- h) the continuation of the use of land or of a building for any purpose for which it is being used unlawfully immediately before or immediately after this by-law comes into effect, and
- i) the use or more frequent or intensive use of land for the parking of a trailer, bunk house, portable dwelling, mobile home, skid shack or any other type of portable building whatsoever whether or not it has been placed on foundations or affixed to the land in any way;

"development officer" means the person appointed by the Council under this by-law and charged with the duty of administering and enforcing the provisions of this by-law;

"development permit" means a certificate or document permitting a development and includes a plan or drawing or set of plans or drawings, specifications or other documents upon which the permit is issued and shall be in Form B set out in Schedule C;

"dwelling" means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

"dwelling unit" means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

"duplex" means a building with two dwelling units sharing a common wall, and located side by side or one above the other;

"existing" means existing at the effective date of this by-law;

"family" means an individual or two or more persons all living together as a single housekeeping unit and using common cooking facilities;

"family care facility" means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes;

"floor area" means the total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, attached garages, sheds, open porches or breezeways;

"front yard" means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel;

"group care facility" means a facility which provides resident services to seven or more individuals of whom one or more are related. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages) halfway houses, resident schools, resident facilities and foster or boarding homes;

"group home" means a single housekeeping unit in a residential dwelling in which three to ten residents live as a family under responsible supervision and shall be licenced under Provincial or Federal Statute, and may also include a non-residential special needs group facility such as a group school;

"height" (see "building height");

"home occupation" means an occupation for gain or support, conducted entirely within a building and only by members of a family residing on the premises, as an accessory use, and provided that:

- a) there shall be no exterior display or advertisement,
- b) there shall be no exterior storage of materials, commodities or finished products,
- c) there shall be no mechanical equipment used except when ordinarily used for housekeeping purposes or hobbies,
- d) no commodity other than the principal product or service of the home occupation shall be sold on the premises,
- e) the use will not generate parking problems within the district, and
- f) no noxious use shall be permitted; and provided further that subject to compliance with the regulation contained herein, the following uses are deemed to be customary home occupations:
 - i) a beauty parlor, barber shop and dance school,
 - ii) dressmaking and millinery, homecooking and preserving and similar domestic homecrafts,
 - iii) the manufacture of novelties, souvenirs and handicrafts as an extension of a hobby,
 - iv) individual instruction to music students, and
 - v) the carrying out of minor repairs to domestic equipment normally used within dwellings,
- g) the office of a professional or business person provided that:
 - i) the office is situated in the dwelling unit used by the person as his private residence,
 - ii) the person conducts the profession or business in the dwelling unit,
 - iii) the use will not generate parking problems within the district,
 - iv) the number of employees does not exceed one, and
 - v) there shall be no exterior display or advertisement other than a permitted sign.

"lot", "site" or "parcel" means an area of land the boundaries of which are shown on a Canada Land Surveys Record Plan, are described in the Certificate of Possession or Certificate of Occupation, are the subject of a lease agreement or other form of interest in land under the terms of the Indian Act, or are otherwise described or designated by the Band Council;

"lot coverage" means that portion of the total area of a lot which may be covered by buildings or structures;

"lot width" means the average distance between the side boundaries of a lot;

"main building" means a building in which is conducted the main or principal use of the site on which it is erected;

"mobile home unit" means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year round living accommodations for one or more persons and can be connected to utilities;

"multiple family dwelling" means a building containing three or more dwelling units;

"natural resource development" means the on-site removal, extraction and processing of raw materials found on or under the site, or accessible from the site. This use class does not include the processing of raw materials transported to the site;

"non-conforming building" means a building that is lawfully constructed or under construction and does not or will not conform, comply or agree with the provisions of this by-law as of the date it was made;

"non-conforming use" means a lawful specific use made of land or a building or intended to be made of a building under construction and that does not and will not conform, comply or agree with the provisions of this by-law as of the date it was made;

"noxious use" means any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter or is unsightly;

"owner" means any person lawfully in possession or occupation of land, buildings or structures;

"permitted uses" means those uses which are allowed in a particular zone provided that the use conforms to the requirements of the particular zone to which the use applies;

"permitted uses (discretionary)" means those uses which may be allowed in a particular zone provided that the use conforms to the requirements of the particular zone to which the use applies;

"public" or *"quasi-public building"* means a building which is available to the public for purposes of assembly, instruction, culture or enlightenment, or for a community activity, but does not include a school or a place of public entertainment for which an admission fee is customarily charged;

"public utility building" means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;

"quasi - public building" (see "public building");

"rear yard" means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;

"reserve" means the Janvier Indian Reserve No. 194.

"row housing" means a residential use where a building or buildings on a lot are each used for at least three dwelling units with each unit having direct access to the outside at grade, but shall not mean apartment;

"side yard" means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building;

"semi-detached dwelling" means a building designed and built to contain two side by side dwelling units, separated from each other by walls extending from foundation to roof and not attached to any other residential building;

"yard" means a part of a parcel upon or over which no main building is erected;

"zone" means a designated area of land use shown on Schedule B hereto;

"zoning map" means Schedule B hereto;

"zoning schedule" means Schedule A hereto.

and all other words and expressions have the meanings respectively assigned to them in the Indian Act.

Application of By-law

3. The provisions of this by-law apply to all Janvier reserve lands including but not limited to those that are presently shown on Schedule "B".

PART TWO - ADMINISTRATION

Development Officer

4. (1) The office of the Development Officer is hereby established and such office shall be filled by a person to be appointed by resolution of Council.
 - (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the Development Officer.
 - (3) The Development Officer is authorized to perform such duties that are required to administer and enforce this by-law.
 - (4) Without limiting the generality of the foregoing, the Development Officer shall:
 - a) keep and maintain for the inspection of the public during all reasonable hours, a copy of this by-law, obtainable by the public at reasonable charge;
 - b) keep a register of all applications for development, including the decisions made thereon and the reasons therefore;
 - c) notify all members of the Council of the arrangements for the holding of each development appeal hearing and other meetings of the Council related to the administration of the by-law;
 - d) prepare and maintain a file of written minutes of the business transacted at all meetings of the Council held for appeal purposes;
 - e) issue to all affected and interested parties and all persons attending the hearing, notices of the decisions of the Council and reasons therefore; and
 - f) carry out such other administrative duties as the Council may specify.

PART THREE - APPLICABILITY OF BY-LAW AND PERMITS

Control of Development

5. (1) No development, other than that designated in Section 6, shall be undertaken within the Reserve unless an application for it has been approved and a Development Permit has been issued in accordance with this by-law.
- (2) For the purposes of this by-law the Reserve is divided into zones in the manner indicated on Schedule "B" hereto (Zoning Map).
- (3) In each zone, all uses are prohibited except those uses of land and buildings specified in Schedule A hereto.

Development Not Requiring a Development Permit

6. The following development shall not require a Development Permit:
 - a) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;
 - b) The completion of a building which was lawfully under construction as of the date this by-law was made, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date this by-law was made;
 - c) The use of any such buildings as is referred to in sub-section (b) for the purpose for which construction was commenced;
 - d) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 1.0 m in height in front yards and less than 2.0 m in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure;
 - e) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this by-law; and
 - f) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal and Band authorities on land which is Band owned or controlled.

Non-conforming Buildings and Uses

7. (1) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of this by-law.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a) as may be necessary to make it a conforming building; or
 - b) as the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this by-law.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

Permission for Development

8. (1) An application for a Development Permit shall be made to the Development Officer in writing in the form of Form A in Schedule C hereto and shall be accompanied by:
 - a) a site plan in duplicate showing the legal description and the front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking, access and egress points to the site, and provision for landscaping and drainage;
 - b) floor plans and elevations and sections in duplicate;
 - c) a statement of uses;
 - d) a statement of who has the right to possession of the land and the interest of the applicant therein;

- e) the estimated commencement and completion dates; and
 - f) the estimated cost of the project or contract price.
- (2) Each application for a Development Permit shall be accompanied by a fee calculated in accordance with the following scale, in which the development value shall be the total price for the work, including all subcontracts:
- a) for a development value of \$5,000 or less; Fee \$25;
 - b) for each \$1,000 or part thereof by which the development value exceeds \$5,000 up to a maximum development value of \$20,000; Additional fee \$1;
 - c) for a development value over \$20,000 to \$100,000; Fee \$75;
 - d) for a development value over \$100,000; Fee \$100; and
 - e) the fee for sign permits shall be \$5.
- (3) The Development Officer shall receive and consider applications for a Development Permit for those uses listed in Schedule A which constitute "permitted uses" and "permitted uses (discretionary)".
- (4) Where an application for a development permit:
- a) is for a proposed use of a site which is included on the list of those permitted uses in the zone in which the site is situated and is for a proposed development which conforms in every respect to the provisions of this by-law appropriate to the said use, the Development Officer shall approve the said application, with or without conditions; and
 - b) is for a proposed use of a site which is included on the list of those "permitted uses" in the zone in which the site is situated, the Development Officer may impose conditions only with respect to:
 - i) location of egress and ingress,
 - ii) location of development upon the property,
 - iii) landscaping and drainage, and
 - iv) services and utilities.
- (5) Where an application for a development permit is for a proposed use of a site which is included on the list of those permitted uses (discretionary) in the zone in which the site is situated:

- a) if the proposed development does not comply with the provisions of this by-law for the zone in which the use is designated, the Development Officer shall refuse the application; or
 - b) where the proposed development complies with the provisions of this by-law for the zone in which the site is situated, the Development Officer may approve the application, with or without conditions, or may refuse the application on its merits.
- (6) The Development Officer, with the approval of Council, may require with respect to a development that as a condition of issuing a Development Permit, the applicant enter into an agreement to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by by-law.
- (7) In making a decision under Section 8(5) or 8(6) in determining whether an application should be granted, the Development Officer shall take into consideration:
- a) whether the application is for an appropriate development or use of the land, building or structure; and
 - b) whether the general intent and purpose of this by-law and the Community Plan, if any, will be maintained.
 - c) whether the proposed development would unduly interfere with the amenities of the neighbourhood.
 - d) whether the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (8) In determining whether an application for an extension or modification of a non-conforming use should be granted the Development Officer shall take into consideration:
- a) whether the extension or modification is desirable for the appropriate development or use of the land, building or structure; and
 - b) whether the general intent and purpose of this by-law and the Community Plan, if any, will be maintained.
 - c) whether the proposed development would unduly interfere with the amenities of the neighbourhood.
 - d) whether the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring properties.

- (9) In the case where an application for a Development Permit has been refused pursuant to this PART or ultimately after appeal pursuant to PART FOUR of this by-law, the submission of another application for a permit on the same property and for the same or similar use of the land by the same or any other applicant shall not be accepted by the Development Officer for at least 12 months after the date of the previous refusal.
- (10) In the case where a proposed specific use of land or a building is not provided for in any zone in the by-law, the Development Officer may determine that such use is similar in character and purpose to a "permitted use" or "permitted use (discretionary)" for that zone in Schedule A.
- (11) An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer and the person claiming to be affected may appeal in writing as provided for in PART FOUR of this by-law as though he has received a refusal at the end of the period specified in this sub-section.

Development Permits and Notices

9. (1) A permit granted pursuant to this PART does not come into effect until 15 days after the date an order, decision or development permit is publicized as described in sub-section (3) and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to PART FOUR of this by-law, a Development Permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (3) When a permit has been issued the Development Officer shall:
 - a) immediately post a notice of the decision conspicuously on the property for which the application has been made;
 - b) immediately mail a notice in writing to all persons, who have a right to possession in adjacent land on the Reserve or some other interest recognized by Council in adjacent land on the Reserve; and
 - c) immediately post a notice of the decision conspicuously in the Band Office and such other places as the Development Officer determines necessary to give reasonable notice to all affected parties.
- (4) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or completed within the period set out in the permit, the permit is deemed to be void, unless an extension to this period has previously been granted by the Council.

- (5) A decision of the Development Officer on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Officer refuses an application for a Development Permit, the decision shall contain reasons for the refusal.
- (7) In giving notice of decision the Development Officer shall use the appropriate forms in Schedule C as follows:
 - a) Form B for approval with or without conditions of a Development Permit;
 - b) Form C for refusal of a development permit; and
 - c) Form D for posting of the notice of decision as required in sub-section (3).

PART FOUR - APPEALS

Appeal Procedure

- 10.(1) An appeal may be made to the Council where the Development Officer:
 - a) refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
 - b) issues a Development Permit without or subject to conditions; or
 - c) issues an order under Section 13 of this by-law.
- (2) The person applying for the permit or affected by the order, under sub-section (1), or any other person affected by an order, decision or Development Permit of a Development Officer may appeal to the Council.
- (3) An appeal shall be made by serving a written notice of appeal to the Council within 14 days after:
 - a) the date the order, decision or permit issued by the Development Officer was publicized in accordance with Section 9(3); or
 - b) the 40 day period referred to in sub-section (1)(a) has expired.

Public Hearing

- 11.(1) Within 30 days of receipt of a notice of appeal, the Council shall hold a public hearing respecting the appeal.

- (2) The Council shall give at least 7 days notice in writing in the form of Form E of Schedule C of the public hearing to:
 - a) the appellant;
 - b) those adjacent land owners who were notified under Section 9(3)(b) and any other person who in the opinion of the Council, are affected by the order, decision or permit;
 - c) such other persons as the Council specifies; and
 - d) Shall post a copy of the notice of the public hearing conspicuously in the Band office and such other places as the Council determines is necessary to give reasonable notice to all affected parties.
- (3) The Development Officer shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - a) the application for the Development Permit, its refusal and the appeal therefrom; or
 - b) the order of the Development Officer under Section 13, as the case may be.
- (4) At the public hearing referred to in sub-section (1), the Council shall hear:
 - a) the appellant or any person acting on his behalf;
 - b) the Development Officer, from whose order, decision or Development Permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - d) any other person who claims to be affected by the order, decision or permit and that the Council agrees to hear or a person acting on his behalf.

Decision

- 12.(1) The Council shall give its decision in writing in the form of Form F of Schedule C together with reasons for the decision within 15 days of the conclusion of the hearing.
- (2) A decision made under this part of the by-law is final and binding on all parties.

- (3) Only those members of the Council in attendance at the public hearing of the Council shall vote on any matter before it.
- (4) In determining an appeal, the Council:
 - a) shall comply with this by-law;
 - b) may confirm, revoke or vary the order, decision or development permit or any condition in relation thereto, or make or substitute an order, decision, or permit of its own; and
 - c) may make an order or decision, or issue or confirm the issuance of a development permit, notwithstanding that the proposed development does not comply with this by-law if in its opinion:
 - i) the proposed development would not be contrary to the interests of the Band,
 - ii) the proposed development conforms with the use prescribed for that land or building in this by-law, and
 - iii) the proposed development conforms with the intended use proposed for that land in the Community Plan.
- (5) The Chief of the Band Council or, in his absence, such other Council member acting as Chief shall sign all notices of decision and other documents on behalf of Council, relative to the authority of Council under this by-law, and any documents so signed shall be deemed to be signed on behalf of and with the approval of Council.

PART FIVE - ENFORCEMENT AND ADMINISTRATION

Contravention

- 13.(1) Where a Development Officer finds that a development or use of land or buildings is not in accordance with this by-law the Development Officer may, by written notice in the form of Form H or Form I, as appropriate, either served personally or sent by registered mail to the person having the right to possession or other interest recognized by Council in the land or buildings and the person responsible for the contravention, order all or any of them to:
 - a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
 - b) demolish, remove or replace the development; or
 - c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Development Permit, or this by-law as the case may be.

- (2) Where a person fails or refuses to comply with an order directed to him under sub-section (1) or an order of the Council with respect to an appeal of an order of the Development Officer under sub-section (1) within the time specified, that person is guilty of an offence.
- (3) The Development Officer may, at all reasonable hours, enter and inspect any land, building, structure or other property for the purpose of determining whether this by-law is being complied with.

Offence

- 14.(1) A person who uses land, or who erects or uses any building or structure or any part of land or a building or structure, in a manner contrary to any provision of this by-law, or who causes or who permits such use or erection, or who otherwise violates any provision of this by-law or causes or permits any such violation, commits an offence.
- (2) A person who interferes with or obstructs the Development Officer in the administration and enforcement of this by-law commits an offence.
- (3) Where an act or omission in contravention of this by-law continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

Penalty

15. A person who commits an offence under Section 13 or Section 14 is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment not exceeding 30 days, or both.

Application to Amend By-law

- 16.(1) A person may apply to have this by-law amended, by applying in writing in the form of Form G Schedule C, furnishing reasons in support of the application and paying the fee therefore required under sub-section (3)(a).
- (2) Council may at any time initiate an amendment to this by-law by directing the Development Officer to initiate an application therefore.
- (3) All applications for amendment to this by-law shall be made to the Council in written form and accompanied by the following, namely:
 - a) an application fee of \$50.00;

- b) All drawings required to be submitted which shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete; and
- c) Any further information required by Council.

Amending By-laws

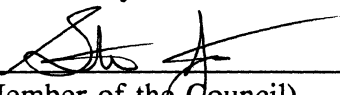
17. All amendments to this by-law shall be made by Council by by-law.

Severability

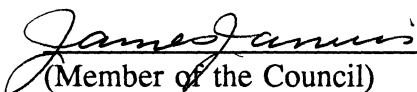
18. If any provision of this by-law is found invalid by the decision of any court of competent jurisdiction, such invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Janvier Indian Band this 29 day of OCTOBER, 1993.

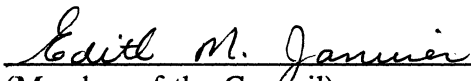
Voting in favour of the by-law are the following members of the Council:



(Member of the Council)



(Member of the Council)

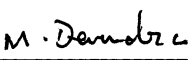


(Member of the Council)

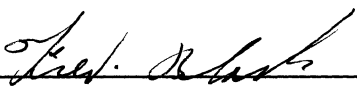
being the majority of those members of the Council of the Janvier Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.
Number of members of the Council present at the meeting 3.

I, FRED BLACK Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was *mailed* to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to sub-section 82(1) of the Indian Act, this 29 day of OCTOBER, 1993.



(Witness)



Chief/Councillor

SCHEDULE "A"
SCHEDULE OF ZONE REGULATIONS
JANVIER INDIAN BAND
ZONING BY-LAW

SCHEDULE OF ZONE REGULATIONS

1. PLANS OF SUBDIVISION

Where the development of land involves a subdivision of land, no Development Permit shall be issued until the application for subdivision has been submitted to Council and written evidence has been received by the Development Officer that the necessary subdivision has Council's approval and is being processed under the Canada Lands Surveys Act.

2. OBJECTS PROHIBITED IN YARDS

No person shall keep or permit on any premises any buildings, structures, or portions thereof, weeds, grass, rubbish or other things that may constitute, in the opinion of the Development Officer, a fire hazard, or hazard to safety or health and should be acted upon for the protection of health, life or property.

3. OCCUPANCY

In any zone, no new buildings shall be occupied before the main side walls and roof have been erected and roofing has been completed and, in the case of a dwelling, kitchen, heating and sanitary conveniences have been installed and rendered useful.

4. ESTABLISHMENT OF ZONES

For the purpose of this by-law, the areas shown on Schedule B, Zoning Map, are divided into the following zones:

Zones	Short Form
Agricultural	A
Urban Residential	UR
Country Residential	CR
Public	I
Parks and Recreation	P
Commercial	C
Industrial	M
General Reserve	GR

Except as is hereinafter provided, all development as defined under Section 2, Part One of this by-law shall comply with the provisions of this Schedule as these provisions apply

to respective zoning districts. Where existing features on the ground are not shown on the Zoning Map, or in other circumstances, the Development Officer shall interpret the zone boundaries.

All lands within the Reserve that are not indicated as having a different specific zoning designation shall be included in the General Reserve Zone.

5. AGRICULTURAL - A

.1 USES NOT PROHIBITED

- a) Stables and kennels.
- b) Utility installations and rights-of-way which may mean septic tank fields, sewage lagoons, trunk water and sewer lines, transmission towers, navigational or landing aids, sanitary landfill sites and reservoirs.
- c) Home occupations.
- d) Natural resource developments.
- e) Agricultural activities related to cultivation of land or keeping of livestock.
- f) Single family dwelling unit.

.2 REGULATIONS

a) Lot Size

The minimum lot or parcel size for a permitted use shall be 40 acres (16.2 hectares).

b) Minimum Building Setback

The minimum yard shall be not less than 20 metres measured perpendicularly from the property line, except that a minimum water setback of 30 metres shall be provided.

6. URBAN RESIDENTIAL - UR

.1 PURPOSE

The purpose of this zone is to prohibit all uses except those which provide for residential development in areas with adequate provision for water distribution and sewage collection and disposal facilities.

.2 PERMITTED USES

- a) Single family dwelling units.
- b) Duplex dwelling units.
- c) Mobile home units.
- d) Parks for active and passive recreation.
- e) Accessory buildings and uses to the permitted uses.

.3 PERMITTED USES (DISCRETIONARY)

- a) Multiple family dwellings.
- b) Boarding houses.
- c) Group homes.
- d) Churches and accessory residential use.
- e) Home occupations.
- f) Senior citizens housing.
- g) Group care facilities.
- h) Family care facilities.
- i) Accessory buildings and uses.

.4 REGULATIONS

a) Building Setbacks

i) Front Yard

A minimum depth of 6 metres from the edge of the road allowance.

ii) Side Yards

A minimum width of 2.0 metres for each side yard with the following exceptions:

- a) a minimum of 3 metres on the side street of a corner site;
- b) a minimum width of 1 metre for accessory buildings.

iii) Rear Yards

A minimum depth of 10 metres with the following exception:

- a) minimum depth of 1 metre for accessory buildings.

b) Lot Size

i) Area

SCHEDULE A

No lot shall have an area of less than 465 square metres nor an area greater than 1300 square metres.

ii) Lot Width

The mean lot width shall not be any less than 13 metres.

c) **Parking**

All residential development shall provide a minimum of one off-street parking space per dwelling unit.

d) **Lot Coverage**

Maximum lot coverage of combined principal and accessory buildings shall not exceed forty (40) per cent of the total lot area.

e) **Building Height**

i) Single Family Dwellings

No single family dwelling shall exceed three storeys in height.

ii) Two Family Dwellings

No two family dwelling shall exceed three storeys in height including habitable basement.

iii) Multiple Family Low Density Residential

No multiple family low density residential development shall exceed three storeys in height.

f) **Number of Buildings**

i) Single and Duplex Dwellings

Not more than one residential building shall be permitted upon a lot.

ii) Multiple Family Dwellings

There shall be no limit to the number of dwelling units and buildings provided that:

1. each group of units conforms to every stipulation of this zone
2. overall unit density does not exceed ten (10) units per acre (25 units per ha)
3. the overall site layout is approved by the Council.

7. COUNTRY RESIDENTIAL - CR

.1 PURPOSE

The primary purpose of this zone is to prohibit all uses except those that provide for rural residential development.

.2 PERMITTED USES

- a) Clusters of single family dwellings within a subdivision plan approved by the Council and surveyed under the Canada Lands Surveys Act where each dwelling is on a separate lot.
- b) A mobile home unit in a subdivision designated for mobile home units, where each unit is situated on a separate parcel of land.
- c) A school.
- d) An historic site registered or classified under the Alberta Historical Resources Act.
- e) The keeping of animals in accordance with the following:
 - i) On any lot or parcel, not more than 4 household pets, not to include more than 2 dogs, which must be confined to the property.
 - ii) On any lot or parcel of two (2) acres (0.8 hectares) or less no animals except as provided for in sub-section (i).
 - iii) On lots or parcels of two (2) acres (0.8 hectares) or more, a maximum of one animal unit per acre.
- f) Accessory buildings and uses.

.3 PERMITTED USES (DISCRETIONARY)

- a) A mobile home unit.
- b) A park for active or passive use.
- c) A home occupation.
- d) Public utility buildings, plant or facility.
- e) An accessory building thereto.

.4 REGULATIONS

a) Lot Size

- i) In a cluster development of single family dwelling units contained within an approved subdivision plan which are not served or intended to be served by a sewage collection system or by a water distribution system, the minimum lot or parcel size for a single family dwelling unit shall be 1,860 square metres and the maximum lot or parcel size shall be 5 acres (2 hectares).
- ii) The minimum lot or parcel size for any other permitted use shall be 2 acres (0.8 hectares).

b) Minimum Building Setbacks

i) Front Yard

The minimum front yard setback shall not be less than:

- a) 8 metres measured perpendicularly from the front property line when adjacent to an internal subdivision roadway;
- b) 40 metres measured perpendicularly from the centreline of the right-of-way when facing a government road allowance bordering the Reserve.

ii) Side Yards

A side setback of not less than 6 metres measured perpendicularly from each side property line of the lot or parcel.

iii) Rear Yard

A rear setback of not less than 8 metres measured perpendicularly from the rear property line of the lot or parcel.

8. PUBLIC - I

.1 PURPOSE

The purpose of this zone is to prohibit all uses except for those that provide for the public facilities necessary to serve the Janvier Indian Band.

.2 PERMITTED USES

- a) Group care facilities.
- b) Family care facilities.
- c) Community halls.
- d) Band Government building complex.
- e) Hospitals, clinics, convalescent homes, rest homes.
- f) Group homes.
- g) Band facilities including fire halls, police stations, swimming pools, community centre arenas.
- h) Utility installations and sewage lagoons.
- i) Churches.
- j) Public and private schools and colleges.
- k) Vocational and technical schools.
- l) Playing fields, playgrounds in conjunction with the uses permitted in this zone.
- m) Parks, active and passive recreation.
- n) Accessory buildings and uses.
- o) Cemetery.

.3 REGULATIONS

a) Lot Coverage

Lots shall not be covered by the principal and accessory buildings or structures to a greater extent than sixty (60) per cent of the total lot area.

b) Minimum Building Setbacks

i) Front Yard

No building shall be closer than 6 metres to the front lot line. The street line abutting either side of a corner lot may be deemed the front street line regardless of which direction the building on the lot is to face or faces.

ii) Side Yard

Side yards shall conform to the Fire Performance Ratings of the National Building Code of Canada.

iii) Rear Yard

Rear yards shall conform to the Fire Performance Ratings of the National Building Code of Canada.

c) **Landscaping**

Landscaping in this zone shall be approved by the Council. A detailed plan of landscaping and maintenance will be made for each new public facility and be submitted for approval to the Council.

d) **Parking Requirement**

Improved parking areas shall be provided on each lot or parcel with a minimum of 3 stalls per 100 square metres or less of gross building floor area.

9. PARKS AND RECREATION - P

.1 PURPOSE

The purpose of this zone is to prohibit all uses except those that provide for the active and passive recreational and leisure needs of the Janvier Indian Band and to allow the establishment of commercial recreational facilities.

.2 PERMITTED USES

- a) Parks and Playfields - active and passive recreation.
- b) Trade Fairs.
- c) Animal Shows.
- d) Marina/boat launch.
- e) Campsite, picnic sites.
- f) Public buildings, Public facilities.
- g) Recreational Vehicle Park.
- h) Accessory buildings and uses.

.3 REGULATIONS

a) **Lot Size**

The minimum lot or parcel size for a permitted use shall be 2 acres (0.8 hectares).

b) Minimum Building Setback

The minimum yard shall be not less than 8 metres measured perpendicularly from the property line, except that a minimum water setback of 15 metres shall be provided, but accessory boat houses and boat docks are not required to meet the water setback.

c) Onsite Parking Requirements

Improved parking areas shall be provided on each lot or parcel with a minimum of 3 stalls per 100 square metres or less of gross building floor area. If a permitted use does not have a building facility the minimum improved parking requirement shall be one per site for campsites, picnic sites and recreation vehicle parks or 3 per any other permitted use.

10. COMMERCIAL - C

.1 PURPOSE

The purpose of this zone is to prohibit all uses except those that provide for the service of the general public and entrepreneurial opportunity for the Band or its membership.

2. PERMITTED USES

- a) Food stores.
- b) Department stores.
- c) Drive-in businesses.
- d) Hotels/motels.
- e) Restaurant or Coffee Shops.
- f) Service stations.
- g) Tourist Information Booth.
- h) Other retail outlets.
- i) Laundromats.
- j) Arcades.
- k) Accessory Buildings and Uses.

.3 REGULATIONS

a) Width of Lot

Lots shall have a width of not less than 30 metres.

b) Area of Lot

Lots shall have an area of not less than 1500 square metres.

c) Lot Coverage

Lots shall not be covered by buildings and accessory buildings to a greater extent than thirty (30) percent of the total lot area.

d) On Site Parking Requirements

Improved parking areas shall be provided on each lot or parcel with a minimum of 3 stalls per 100 square metres or less of gross floor area of the principal building, except for hotels/motels, restaurants or coffee shops and similar uses where the minimum number of stalls shall be 5 per 100 square metres or less of gross floor area of the principal building.

e) Landscaping

A landscaping plan must be submitted with the development application and shall be deemed part of the application.

11. GENERAL INDUSTRIAL - M

.1 PURPOSE

The purpose of this zone is to prohibit all uses except those that provide for general industrial land uses which have no external objectionable or dangerous condition beyond any site used.

.2 PERMITTED USES

- a) Auction or sale of equipment stored on the premises, provided that such auction or sale is, in the opinion of the Council, accessory to the storage of such equipment.
- b) Bulk storage of petroleum products provided that no such use is carried on within 500 metres of a river, stream or water-course.
- c) Dwelling units accessory to the principal industrial purpose of the site for the use of caretakers only whose residence on the premises is, in the opinion of the Council, essential by reason of some characteristics of the principal land use.
- d) Foundry.
- e) Heavy equipment storage and repair including construction equipment.

- f) Manufacturing and assembly.
- g) Truck terminal.
- h) Warehousing and storage, locker plant.
- i) Welding and fabrication.
- j) Maintenance, repair, and trade shops.
- k) Accessory buildings and uses.

.3 SPECIFICALLY PROHIBITED USES

Uses, which in the opinion of the Council, are a noxious use or otherwise undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation or electrical interference, or which are an offensive trade.

.4 REGULATIONS

a) Width of Lot

Lots shall have a minimum width of not less than 30 metres.

b) Area of Lot

Lots shall have a minimum area of not less than 1,860 square metres.

c) Lot Coverage

Lots shall not be covered by principal and accessory buildings to a greater extent than fifty (50) percent of the total area.

d) Minimum Floor Area

The minimum floor area of the principal building shall not be less than 100 square metres.

e) Yard Requirements

i) Front Yard

The minimum front yard shall be 6 metres provided that no industrial use shall be carried on at any point closer than 30 metres to any residential building in an adjoining Residential zone.

SCHEDULE A

ii) Side Yard

Side yards shall conform to the Fire Performance Ratings of the National Building Code of Canada.

iii) Rear Yard

1. Rear yards shall conform to the Fire Performance Ratings of the National Building Code of Canada.
2. Where the rear boundary of a site abuts a Residential zone, the rear yard shall not be less than 8 metres.

f) **Building Height**

No building shall exceed 9 metres in height without the approval of the Council.

g) **Screening and Storage**

- i) The parking of trucks and trailers used in connection with the business or industry carried out on the site shall only be allowed in designated storage areas.
- ii) A designated storage area, in addition to permitting the storage of trucks and trailers as indicated above, may accommodate the storage of equipment or material used in connection with the business or industry carried out on the site. An approved storage area must be screened from the view of other properties, including public thoroughfares, with buildings, ornamental walls or fences of a height, type and design considered by the Development Officer as being acceptable for that purpose. All storage of equipment or material shall be kept in an orderly manner and the storage area shall be graded and gravelled or paved to the satisfaction of the Development Officer.
- iii) Neither waste material nor refuse shall be permitted to remain outside a building.

h) **Street Access**

i) Building Design and Appearance

Street access shall be as required by Council. The design, siting, external finish, architectural appearance and landscaping generally of all buildings

including any accessory buildings and structures and signs and a reconstruction shall be in general conformity in such matters with adjacent buildings.

11. GENERAL RESERVE - GR

.1 PURPOSE

The purpose of this zone is to prohibit all uses except for those that allow for its interim use while preserving it for future planned development.

.2 PERMITTED USES

- a) Golf Course.
- b) Public Parks.
- c) Ski trails, ski-doo trails.
- d) Farming or ranching.

.3 PERMITTED USES (DISCRETIONARY)

- a) Any temporary uses or building which in the opinion of the Council will not prejudice the possibility of conveniently and economically developing the area in the future.
- b) Public utility installations.
- c) Public and quasi-public buildings and uses.

.4 REGULATIONS

- a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been approved. This plan should establish an outline plan of subdivision, the proposed zoning, public reserve dedications, and utilities policies.
- b) Minimum Building Setback

The minimum yard shall be not less than 20 metres measured perpendicularly from the property line except that a minimum water setback of 30 metres shall be provided.

**SCHEDULE "C"
FORMS**

**JANVIER INDIAN BAND
ZONING BY-LAW**

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM A
APPLICATION FOR DEVELOPMENT PERMIT**

Application No. _____

I hereby make application under the provisions of the Zoning By-law for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

Applicant: _____ Telephone: _____

Address: _____

Address of property
to be developed: _____

Lot: _____ Block: _____ Registered Plan or: _____
Certificate of Location/Occupation: _____

Owner: _____ Address: _____

Existing Use: _____ Zoning: _____

=====

Future Principal Use: _____

Lot Type: Interior _____ Corner _____ Other _____

Lot Width: _____ Lot Length: _____ Lot Area: _____

Front Yard: _____ Side Yards: _____ Rear Yard: _____

Floor Area: _____ Percentage of Lot occupied: _____

Off-Street Parking: Size of Space: _____ Number of Spaces: _____

Off-Street Loading: Size of Space: _____ Number of Spaces: _____

Accessory Use: _____

Percentage of lot occupied: _____ Height of accessory building: _____

Setback from side lot lines: _____ Setback from rear lot line: _____

=====

Estimated cost of the project or contract price: _____

Estimated dates of commencement and completion: _____

I hereby give my consent to allow all authorized persons the right to enter the above land and/or buildings, with respect to this application only.

Date of Application

Signature of Applicant

Office use only:

Permit Fee Enclosed: _____ Received By: _____ Date: _____

Attachments: Yes _____ No _____

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM B
DEVELOPMENT PERMIT**

Permit No. _____

To (Applicant): _____

Development involving _____

(as further described in Application No. _____) has been:

APPROVED

APPROVED, subject to the following conditions, (state reasons):

You are hereby authorized to proceed with the development specified provided that any stated conditions are complied with; that development is in accordance with any approved plans and applications; and that a Building Permit is obtained if construction is involved. Should an appeal be made against this decision to the Council, the Development Permit shall be null and void.

Date of Decision: _____ Date of Issue: _____

Signature of Development Officer _____

NOTE:

1. The issuance of a Development Permit in accordance with the Notice of Decision is subject to the condition that it does not become effective until 15 days after the date the order, decision or Development Permit is issued.
2. The Zoning By-law provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Council by serving written notice within 14 days after notice of the decision is given.
3. A permit issued is valid for a period of 12 months from the date of issue. If, at the expiry of this period, the development has not been commenced, this permit shall be null and void.

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM C
NOTICE OF REFUSAL**

Application No. _____

To (Applicant): _____

You are hereby notified that your application for a Development Permit with regard to the following:

has been **R E F U S E D** for the following reasons:

You are further notified that you may appeal this decision to the Council in accordance with the provision of this Zoning By-law. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Council not later than 14 days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of appeal.

Date of Decision: _____

Signature of Development Officer

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM D
NOTICE OF DECISION OF THE DEVELOPMENT OFFICER**

Application No. _____

To: _____

This is to notify you with respect to a decision of the Development Officer whereby a Development Permit has been issued authorizing the following development.

Address of property: _____

Lot: _____ Block: _____ Registered Plan or: _____
Certificate of Title: _____

Date of Decision: _____

The Zoning By-law provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Council by serving written notice of appeal within 14 days after notice of the decision is given.

Date of Notice

Signature of Development Officer

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM E
NOTICE OF APPEAL HEARING**

Application No. _____

To: _____

This is to notify you that an appeal has been made to the Council against a decision in respect of Application No. _____ which involves development described as follows:

APPROVED
The decision APPROVED WITH CONDITIONS a Development Permit for the following
REFUSED
reasons:

PLACE OF HEARING: _____
TIME OF HEARING: _____
DATE OF HEARING: _____

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard at the meeting shall submit their written briefs to the Council not later than:

DATE

Chief, Band Council

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM F
NOTICE OF APPEAL DECISION**

Application No. _____

To: _____

This is to notify you that an appeal against the _____
of a Development Permit with regard to the following:

APPROVAL
APPROVAL WITH CONDITIONS
REFUSAL

was considered by the Band Council on _____ 19__ and the decision of the Council with regard to the appeal is as follows and for the following reasons:

DATE

Chief, Band Council

NOTE:

1. A decision of the Band Council is final and binding on all parties and persons subject only to an appeal to the Courts.

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM G
APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW**

I/We hereby make application to amend the Zoning By-law.

Applicant: Name: _____ Telephone: _____
Address: _____

Owner of Land: Name: _____ Telephone: _____
Address: _____

Land Description: Lot: _____ Block: _____ Registered Plan: _____
Certificate/Occupation/Possession: _____

Amendment Proposed

FROM _____ TO _____

Reasons in support of Application for Amendment

I/We enclose \$ _____ being the application fee.

DATE: _____ SIGNED: _____

Office use only:

Application Fee Paid: _____ By: _____

Received By: _____ Date: _____

Attachments: Yes _____ No _____

DOUBLE REGISTERED MAIL OR DELIVERED

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM H
NOTICE OF ZONING BY-LAW CONTRAVENTION
AND REMEDIAL ACTION**

To: _____

You are hereby notified that your development/use is in contravention of the
____ Zoning By-law, or
____ Development Permit
by reason of:

You are requested to take remedial action to conform to the Zoning By-law/Permit as follows:

Failure to comply with this request within 10 days of receipt of this notice constitutes an offence under the Janvier Indian Band Zoning By-law No. _____ punishable on summary conviction by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

Date of Notice

Signature of Development Officer

DOUBLE REGISTERED MAIL OR DELIVERED
AND
POSTED ON THE SITE

**JANVIER INDIAN BAND
ZONING BY-LAW
FORM I
NOTICE OF ZONING BY-LAW CONTRAVENTION
AND STOP WORK ORDER**

To: _____

You are hereby notified that your development is in contravention of the
___ Zoning By-law, or
___ Development Permit
by reason of:

No further work or development shall take place until you have taken remedial action
to conform to the Zoning By-law/Permit as follows:

Failure to comply with this request within 10 days of receipt of this notice constitutes
an offence under the Janvier Indian Band Zoning By-law No. ____ punishable on
summary conviction by a fine not exceeding one thousand dollars or imprisonment for
a term not exceeding thirty days or both.

Date of Notice

Signature of Development Officer