

SOR/82-1062  
of Dec 1, 1982

REGISTRATION NO.

BY-LAW NO. 1981-01

Being a By-Law for the regulation of the construction, repair, demolition, or removal of buildings and structures and to regulate the installation, alteration or repair of plumbing, heating and air conditioning, including appurtenant fittings, appliances and accessories.

Should any provision of this By-Law be found invalid such provision is severable.

WHEREAS Section 81 of the Indian Act empowers the Council of a band to make by-laws respecting the regulation of the construction, repair and use of buildings and make by-laws with respect to any matter arising out of or ancillary to the exercise of powers under Section 81 and the imposition of a penalty for the violation thereof:

NOW THEREFORE the Council of the Little Shuswap Band of Indians enacts as a by-law thereof the following;

1. In this By-Law the National Building Code of Canada, as amended from time to time, the British Columbia Plumbing Code, as amended from time to time, the British Columbia Energy Inspection Act, as amended from time to time, have the same force and effect as if validly enacted by-laws of the Little Shuswap Band of Indians.
2. This By-Law may be cited as a Little Shuswap Indian Band Building By-Law 1981-01.
3. Metric units are used for all measurements in this By-Law.
4. In this By-Law;

"Act" means a person, firm or corporation representing the owner, by designation or contract, and includes a hired tradesman or contractor who may be granted a permit for work within the limitations of his licence.

"Application for Building Permit" - Appendix "A" to this By-law which shall be completed by any person who carries out or intends to carry out any work on reserve.

"Approved" means approved in writing.

"Band" means the Little Shuswap Band of Indians.

"Band Administrator" means the person appointed by Council who may with the approval of Council, hire by contract or otherwise a person to carry out and enforce the provision of this By-law.

"Building Code" means the National Building Code of Canada as amended from time to time, the British Columbia Plumbing Code and the Building Regulations British Columbia taken collectively and the British Columbia Energy Inspection Act and regulations thereof as amended from time to time.

"Building Inspector" means the person appointed from time to time for the purpose of enforcing and carrying out the provisions of this By-Law and shall include any Acting or Assistant Building Inspector.

"Building Permit" - Appendix "B" to this By-law and when signed by the Building Inspector it shall be the authority for a person to proceed with the work unauthorized thereon.

"Construction" means any erection, repair, alternation, enlargement, addition, demotion, removal of excavation.

"Council" means the Council of the Little Shuswap Band of Indians as fully constituted.

4. "Fire Prevention Officer" means the person so appointed from time to time by the Council in accordance with the Band Fire Prevention by-law as amended from time to time, or his duly appointed representative.

"Inspection Note" - Appendix "D" of this By-law and when signed by the Building Inspector will serve as notice that he intends to inspect the works indicated thereon.

"Inspection Report" - Appendix "F" to this By-law and when signed by the Building Inspector serves as the record of his approval or disapproval of any work and shall include his recommendations regarding any work.

"Occupancy Permit" - Appendix "C" to this By-Law and when signed by the Building Inspector it shall be the authority for a person to occupy premises for which a Building Permit was issued.

"Owner" means any person, firm or corporation who is legally in possession or control of a portion of all the lands, the title of which is vested in the Crown in the Right of Canada, that have been or are set aside for the use and benefit of the Little Shuswap Band of Indians and which has not been unconditionally surrendered.

"Pool" means any structure or construction, intended primarily for recreation that is, or is capable of being filled with water to a depth of 600mm.

"Reserve" means all those lands, the title of which is vested in the Crown in the Right of Canada, which are or have been set aside for the use and benefit of the Little Shuswap Band of Indians and which have not been unconditionally surrendered.

"Scale of Fees" - Appendix "G" to this By-law which sets the fees applicable to any work other than plumbing.

"Scale of Fees - Plumbing" - Appendix "H" to this By-law which sets the fees applicable to plumbing work.

"Stop Work Notice" - Appendix "E" to this By-law and when signed by the Building Inspector orders the stoppage of work on the work stated thereon.

4. "Work" means any erection, repair, alternation, enlargement, addition, demolition, removal or excavation.
5. 5.1 The following appendices form part of this By-law and are adopted:
  - Appendix "A" Application for Building Permit
  - Appendix "B" Building Permit
  - Appendix "C" Occupancy Permit
  - Appendix "D" Inspection Notice
  - Appendix "E" Stop Work Notice
  - Appendix "F" Inspection Report
  - Appendix "G" Scale of Fees - Building
  - Appendix "H" Scale of Fees - Plumbing

- 5.2 This By-law shall apply:
  - (a) to the design and construction of building when a building, or part thereof, is constructed on site or as a factory-built unit or component;
  - (b) to the work involved in the demolition when the whole or any part of a building is demolished or removed;
  - (c) to all parts of the building when the whole or any part of a building is moved, either within or into the Reserve;
  - (d) to any alteration and to any part of a building affected by alterations to an extent which, in the opinion of the Building Inspector reduces the levels

of public health and safety below the levels existing prior to the alteration;

- (e) to all such replacements and alterations when materials and equipment regulated are replaced or altered in a building;
- (f) to any part remaining when a building is demolished to an extent of more than 75% of its value above its foundations as determined by the Building Inspector.
- (g) to site grading and/or asphalt or other permanent surfacing, which will affect the drainage characteristics of the site.

5.3 Where any Federal Act or Regulation or Provincial Act or Regulation or any other Band by-law may apply to any matter covered by the by-law, compliance with this By-law shall not relieve the owners or his agent from complying with provisions of such other Act, regulations or by-law.

5.4 Council shall appoint from time to time, a person who shall serve at the pleasure of the Council for the purpose of carrying out the duties set-out in this By-law pursuant to terms and conditions established by Council.

## 6. Referenced Documents

6.1 The provisions of referenced-documents and referenced standards prescribed by this By-law apply to the extent that they relate to buildings.

6.2 In the case of conflict between the provisions of a referenced-document and those of this By-law, the provisions of this By-law govern.

## 7. Prohibitions

7.1 For the purpose of this section, "Person" includes owner, individual, occupier, firm or corporation as applicable.

7.2 No person shall fail to comply with an order or notice issued by the Building-Inspector.

7.3 No person shall work or authorize or allow work to proceed on a project for which a permit is required unless a valid permit has been issued in the form shown on Appendix "B" of this By-law.

- 7.4 No person shall deviate from the approved plans and specifications forming part of the building permit or omit or fail to complete work required by the said plans and specifications without first having obtained approval in writing from the Building Inspector to do so.
- 7.5 No person shall occupy or allow the occupancy of any building, or part thereof, unless the owners has obtained an occupancy permit from the Building Inspector in the form shown on Appendix "C" of this By-law.
- 7.6 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation, or occupancy of a building shall cause, allow or maintain any unsafe condition.
- 7.7 No person shall excavate or undertake work on, over or under public property or erect or place any construction or work or store any materials thereon, without approval having first been obtained from the Building Inspector.
- 7.8 No person shall submit false or misleading information to the Building Inspector.
- 7.9 No person shall interfere with or obstruct the entry of the Building Inspector acting in the administration or enforcement of this By-law.
- 7.10 No person shall excavate, or fill any building site in the absence of a valid or subsisting permit.
- 7.11 No person shall continue building construction beyond the foundation stage until:
  - (a) in the opinion of the Building Inspector an acceptable level of fire protection has been provided, and
  - (b) a certificate of location by a registered British Columbia Land Surveyor has been received and approved by the Building Inspector.

8. Duties and Responsibilities of the Owner

- 8.1 Every owner shall allow the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering and enforcing this or any other Band by-law.

- 8.2 Every owner shall obtain all permits and approvals required in connection with proposed work, prior to commencing such work.
- 8.3 Every owner shall ensure that plans and specifications on which a permit is based are continuously available at the work site during working hours.
- 8.4 Every owner shall notify the Building Inspector of the date of commencement of work on a building site.
- 8.5 Every owners shall, when required by the Building Inspector with written notice, liscing;
- (a) The name, address, and telephone number of the constructor or person in charge of the work.
  - (b) The name, address, and telephone number of the engineer or architect reviewing the work, together with a letter of commitment from such engineer or architect setting forth the extent and limits of his reviewing function.
- 8.6 Every owner shall give 24 hours written notice to the Building Inspector.
- (a) of intent to do work that has been ordered inspected during construction,
  - (b) of intent to cover work that has been ordered to be inspected prior to covering,
  - (c) when work has been completed so that a final inspection can be made,
  - (d) has and while not limiting the generally of the foregoing, at the following stages of construction:
    - (i) when excavation and footing forms are complete, including placement of required reinforcing, but prior to placing of any concrete.
    - (ii) when foundation concrete, water-proofing and perimeter drains are complete, but prior to any backfill being placed.
    - (iii) when all structural components are in place but uncovered including windows, concrete, structural iron, stairs, ductwork, rough plumbing, wiring and gas venting.

- (iv) when insulation and vapor barrier are complete but prior to placement of any finish thereon.
  - (v) when all work is complete but prior to occupancy.
- 8.7 Every-owner shall give notice to the Building Inspector of intent to occupy or allow occupancy of a building or portion of a building.
- 8.8 Every owner shall make or have made at its expense tests or inspections necessary to prove compliance with this By-law and shall file copies of test results and inspection reports with the Building Inspector.
- 8.9 Every owner when required by the Building Inspector, shall uncover and replace at its own expense any work that has been covered contrary to an order issued by the Building Inspector.
- 8.10 Every owner shall ensure that all work shall be confined within the boundaries of the property on which the work is, or is to be located.
- 8.11 Every owner is responsible for the cost to repair any damage to public property or works that may occur as a result of undertaking work for which a permit was required under this By-law.
- 8.12 Every owner shall obtain an occupancy permit from the Building Inspector prior to any occupancy of a building or part, thereof, after construction, partial demolition, or lateration of that building.
- 8.13 Every owner when required by the Building Inspector, shall provide, in a form satisfactory to the Building Inspector, evidence to certify compliance with the requirements of this By-law and of any permits required.
- 8.14 Every owner, when a building or part thereof is in an unsafe condition, shall forthwith take all action necessary to put the building in a safe condition.
- 8.15 Every owner is responsible, when making application for a permit, for the verification of the existence and location of any utility services required for the subject permit.

9. Duties and Responsibilities of the Building Inspector

- 9.1 The Building Inspector is responsible for the administration and enforcement of this By-law.
- 9.2 The Building Inspector shall keep copies of all permits and orders issued, inspections and tests made, and of all papers and document connected with the administration of this By-law for a period of not less than ten years from the date of issuance of the permit.
- 9.3 The Building Inspector shall:
  - (a) Issue such notices or orders as may be required to inform the owner where a contravention of this By-law has been observed.
  - (b) Issue an order to the owner to correct any unsafe condition observed in any building.
- 9.4 The Building Inspector, when issuing a "stop work" notice as provided for in Section 10 of this By-law shall post such notice in a conspicuous location on the construction site, in the presence of the permit holder or the permit holder's agent.
- 9.5 The Building Inspector, when requested to do so, shall within a reasonable time, provide reasons for refusal to grant a permit.
- 9.6 The Building Inspector shall answer such questions as may be reasonably relative to the administration of this By-law, but, except for standard design aids, is not authorized to assist in the laying out of any work or to act in the capacity of a design consultant.
- 9.7 The Building Inspector shall issue a permit when, to the best of his knowledge, the conditions set forth in this or any other applicable by-law have been met.
- 9.8 The Building Inspector shall issue an occupancy permit when, after inspection, it appears to him that the building or part thereof so inspected complies in all respects with the provisions of this and any other application by-law.
- 9.9 The Building Inspector shall carry proper credentials and produce them for inspection upon request.



10. Powers of the Building Inspector

- 10.1 The Building Inspector may enter any building or premises at any reasonable time for the purpose of administering or enforcing this or any other by-law.
- 10.2 The Building Inspector is empowered to order:
- (a) a person who contravenes this By-law to comply with the by-law in a specified time period;
  - (b) work to stop on a building or part thereof, if work is proceeding in contravention of the by-law or if there is deemed to be an unsafe condition;
  - (c) the removal of any unauthorized encroachment on public property;
  - (d) the removal of any building or part thereof constructed in the contravention of this By-law;
  - (e) the termination of any occupancy, in contravention of this By-law or other applicable by-law; and
  - (f) the termination of any occupancy if any unsafe condition is deemed to exist because of work undertaken or not completed.
- 10.3 The Building Inspector at his discretion, may direct that sufficient evidence or proof be submitted at the expense of the owner to determine whether a material, device, construction method, assembly, construction or foundation condition meets the requirements of this By-law.
- 10.4 The Building Inspector may require any owner to submit an up-to-date plan of survey by a registered British Columbia Surveyor which shall contain sufficient information regarding the site and the location of and building to:
- (a) establish prior to construction that requirements of this By-law and any other applicable by-law will be complied with, and
  - (b) verify at the earliest practicable time after work is in place that all such requirements have been complied with.
- 10.5 The Building Inspector may require any plans and/or specifications submitted to bear the seal and signature of a member of the Architectural Institute of British Columbia

or the Association of Professional Engineers of British Columbia before it is accepted, if in his opinion:

- (1) The site condition, soil types, contours or drainage requires special foundation design, or
- (2) The proposed building or structure is not standard construction, or
- (3) The proposed building or structure is valued at \$25,000 or more, or
- (4) The proposed building or structure is of a category requiring professional design.

The Building Inspector may further require that all phases of the construction are reviewed, inspected and certified on completion by the Architect or Engineer over his official seal and signature.

10.6 The Building Inspector may issue at the risk of the owner, a Permit for the construction of a phase of a building or complex prior to all required plans and specifications for the whole building or complex having been submitted or approved, provided:

- (a) Plans and specifications for the phase in question have been submitted in sufficient detail to satisfy the Building Inspector that the work to be done will comply with all requirements of the Building Code and of this or any other related by-law.
- (b) Adequate information and detailed statements have been filed to the extent that the Building Inspector is satisfied the remainder of the building or complex will comply with all pertinent by-laws.

The requirements of this By-law apply to the remainder of the building or complex, as if the permit had been issued for the entire structure.

10.7 The Building Inspector may refuse to issue a permit:

- (a) when in his opinion, information submitted is inadequate to ensure compliance with this or any applicable by-law,
- (b) when incorrect information is submitted,
- (c) that would be prohibited by any other by-law, act or regulation,

(d) when site work has been carried out previous to issuance of a permit, including but not limited to, excavation or fill.

10.8 The Building Inspector may revoke a permit:

(a) if there is a contravention of any condition under which the permit was issued,

(b) that was issued in error,

(c) that was issued on the basis of incorrect information,

(d) for violation of any provision of the Building Code.

This revocation shall be in writing and transmitted to permit holder by registered mail.

10.9 The Building Inspector may, for the purpose of determining permit fees, place a value on the work to be carried out, where no cost estimate is available, or he is not satisfied with the value submitted with the permit application.

10.10 The Building Inspector is empowered, when in his opinion any building, construction, excavation or part thereof is in an unsafe condition as a result of being open or unguarded, or because of danger of fire or risk of accident, and when due notice to correct such condition has not been complied with, to make safe such condition at the expense of the owner and the cost for so doing may be added to the current year's property taxes or rent as the case may be.

10.11 The Building Inspector, at his discretion, when immediate measures must be taken to correct an imminent danger of fire or risk of accident, is empowered to take appropriate action, without notice and at the expense of the owners and the cost for so doing may be added to the current year's property taxes or rent as the case may be.

10.12 The Building Inspector, at his discretion, before issuing an occupancy permit, may require the owner to provide certification that the requirements of this By-law and other applicable by-laws have been complied with.

10.13 The Building Inspector may issue, in the case of single or two-family dwellings only, where weather conditions have prevented the completion of exterior work, a temporary occupancy permit, provided that:

- (a) interior of building is complete;
  - (b) utility services are complete;
  - (c) sufficient proof has been provided that remaining work will be completed by a specified date;
  - (d) no unsafe conditions exist;
- 10.14 The Building Inspector in order to prevent unnecessary delay may, prior to issuing a permit, grant permission, subject to such conditions as seem to him prudent, for an owner to excavate or fill on a proposed building site.
- 10.15 The Building Inspector, prior to issuing a permit, or during the course of construction, is empowered to impose such conditions as he deems reasonable to protect neighbouring property.

11. Permits

- 11.1 A permit is required whenever work regulated by this By-law is to be undertaken.
- 11.2 An occupancy permit is required to allow the occupancy of a building or part thereof.
- 11.3 To obtain a building permit the owner shall apply in writing on the form "Application for a Building Permit" which is attached as Appendix "A" to and forms part of this By-law.
- 11.4 Every application for a building permit shall be accomplished by the prescribed fee as detailed in Appendix "G" attached to and forming part of this By-law.
- 11.5 Every application for a building permit shall:
- (a) identify and describe in detail the work and occupancy to be covered by the permit;
  - (b) describe the land on which the work is to be done, by a description that will readily locate and identify the building lot;
  - (c) include plans and specifications, and show the occupancy of all parts of the building;

- (d) state the valuation of the proposed work;
  - (e) state the names, addresses and telephone number of the owner, architect, engineer or other designer and constructor;
- 11.6 Sufficient information shall be filed with each application to enable the Building Inspector to determine whether the proposed work will conform with this By-law or other applicable by-laws and whether or not it may affect adjacent property.
- 11.7 Plans shall be drawn to scale and shall be clear and durable, suitable for microfilm reproduction, and shall indicate the nature and extent of the work or proposed occupancy in sufficient detail that when completed, the work and proposed occupancy will conform to this By-law and other relevant by-laws and regulations.
- 11.8 Site plans shall be referenced to the current registered legal survey for the subject property and shall show:
- (a) by dimensions from property lines, the location of the proposed building, or buildings;
  - (b) means of access and egress to service the property;
  - (c) the similarly dimensioned location of any other existing building or buildings on the site;
  - (d) existing and finished ground levels to an established datum;
  - (e) all easements and rights-of-way whether registered or not.
- 11.9 The Building Inspector may allow the essential information to be shown on the plans in lieu of written specifications but in no case shall such terms as "in accordance with the by-law", "legal", or similar terms be used as substitutes for specific information.
- 11.10 When work requiring a permit is commenced or undertaken prior to the issuance of such permit, the permit fee shall be doubled, provided, however, that the amount of such increase shall not exceed \$250.00.
- 11.11 Within six (6) months of a building permit having been issued, should the owner make written application to cancel the permit, provided not construction has taken place,

the Building Inspector may refund up to a 50 per cent of the permit fee paid in respect to the permit.

- 11.12 For any building the occupancy of which will include the employment of people, no permit will be issued until evidence is submitted that the requirements of the Provincial Ministry of Labour have been met.
- 11.13 No permit shall be issued until utility services for the subject property are completed to the approval of the Building Inspector and all appropriate connection fees or other construction costs have been paid.
- 11.14 If sanitary sewer is not available, no permit will be issued until the Building Inspector is provided with written evidence that the disposal system is approved by the South Central Health Unit.
- 11.15 If water service is not available, no permit will be issued until a source of portable water is proven to the satisfaction of the Building Inspector.
- 11.16 Where application is made to erect a building on the site of an existing building or structure, which act would be in violation of the Band Zoning by-law or any other related by-law or regulation, the Building Inspector may issue a building permit provided:
  - (a) The existing building or structure is removed prior to issuance of the permit; or
  - (b) Security in a form satisfactory to the Council in an amount double the appraised value of the existing building or structure and in any case, no less than \$5,000 in value is deposited with the Band prior to issuance of the permit as a guarantee that the offending building or structure will be removed immediately upon occupancy of the new building.
- 11.17 The word "temporary", as used in this subsection, shall mean a period not exceeding twelve months.

A person desiring to erect a temporary building, structure, or shelter shall make application for a permit therefore, in writing, to the Building Inspector. The application shall be accompanied by:

- (a) plans showing the location of the building on the site and construction details of the building;

- (b) a statement of the intended use and duration of the use; and
  - (c) a bond, certified cheque or irrevocable letter of credit issued by a chartered bank, sufficient, in the opinion of the Building Inspector, but in any event not less than \$2,000.00 in value, to guarantee that the building will be removed from the site within the time limit indicated.
- 11.18 No permit shall be issued for the erection of an accessory building or structure on any lot, unless the principal building to which the accessory building or structure as an incidental use, has been erected, or will be erected simultaneously with said accessory building or structure.
- 11.19 Construction must be commenced within 180 days of the issue of a building permit, and must be completed to final inspection stage within 2 years or the permit shall be deemed invalid. The Building Inspector may grant a renewal permit for a further 12 month period if he is satisfied the construction is progressing in accordance with the approved plans at a reasonable rate of progress. A permit renewal fee shall be levied in accordance with Appendix "G" attached to and forming part of this By-law.

## 12. Appeal

- 12.1 An appeal against a decision of the Building Inspector lies with the Band Administrator.
- 12.2 An appeal against a decision of the Building Inspector may be submitted to the Band Administrator by any person who;
- (a) has applied under the provisions of this By-law for a permit which has not been granted.
  - (b) has had permit revoked; or
  - (c) feels adversely affected by a decision of the Building Inspector.
- 12.3 The appellant shall file with the Band Administrator a statement in writing in such detail as will enable the Administrator to properly consider the appeal, setting out;

- (a) the nature and subject matter of the appeal;
  - (b) the address of the building affected by the appeal;  
and
  - (c) the sections of this By-law affected by the appeal.
- 12.4 The Band Administrator may either concur with, reverse or modify the decision and shall render his decision within seven days.
- 12.5 If the appellant is dissatisfied with the results, he may appeal to Council whose decision shall be final.
- 12.6 An appeal to Council shall be in writing and shall be heard at the next regular Council meeting at which the appellant may be present.
13. Relocation of Buildings
- 13.1 The moving of a building from one property to another within the Reserve or into the Reserve requires a permit.
- 13.2 Every application to move a building shall identify the existing site of the building and the proposed site to which the building is to be moved.
- 13.3 No permit to move a building shall be issued until the time, manner and route of the move has been approved by the Building Inspector and the R.C.M.P. ( of Chase Detachment) and the Provincial Ministry of Highways when applicable.
- 13.4 No permit to move a building shall be issued until evidence is submitted to the Building Inspector to certify that all services to the building have been disconnected and sealed if and as required.
- 13.5 No building shall be moved to another site within the Reserve unless in the opinion of the Building Inspector it conforms or is made to conform to the architectural standards and applicable building codes in the vicinity of the proposed new site and to the requirements of this By-law.
- 13.6 Every application to relocate a building shall be accompanied by security in a form acceptable to the Council, and in an amount equal to the estimated cost of completing the building in this new location to occupancy stage. The amount so estimated shall be



acceptable to the Building Inspector, but in no case shall the security be less than \$5,000.00.

- 13.7 Should a building which has been relocated subject to the provisions of Section 6 not be completed to occupancy stage within one year from the date of issuance of the permit, the Building Inspector may draw upon the security required under the subject section and take whatever action is necessary to effect completion of the building.

14. Demolitions

- 14.1 The demolition of any building requires a permit as outlined in Appendix "A" attached to this By-law.
- 14.2 Every person making application for a permit to demolish a building shall, as part of his application, provide the Building Inspector with satisfactory evidence that:
- (a) no unsafe condition will be created or permitted;
  - (b) all utility services to the building have been disconnected and all such disconnections have been approved by the appropriate authority.
- 14.3 Before issuing a permit to demolish any building, the Building Inspector may demand that security be provided in a form satisfactory to the Council to ensure that the site of the demolition will be left in a safe, neat condition, free from debris or dust, and compatible with neighbouring properties. The amount of the security shall be equal to the estimated cost of site restoration, in the event that the site is not properly restored to a standard satisfactory to the Building Inspector for the purpose of restoring the site.
- 14.4 Prior to issuing a permit to demolish any building, the Building Inspector may impose such conditions as seem to him reasonable to protect the public.

15. Other Regulations

15.1 Site Drainage and Grading

All sites shall be graded so that all buildings contained thereon are effectively protected from surface water.

15.2 Roof Drainage

On any building which is the subject of a permit, the Building Inspector may direct that perimeter drains, railwater leaders, gutters and down spouts or other drainage appurtenances be installed where, in his opinion, they are necessary for proper drainage and may further direct that they be connected to storm drains.

15.3 Site Grades

Slopes shall not exceed the natural angle of repose of the soil and all transitions of slope shall be gradual.

15.4 Parking and Screening for Commercial Buildings

All required parking, driveways and other areas on site utilized by vehicular traffic shall be constructed and surfaced in accordance with the off street parking and loading requirements contained in the Band Zoning By-law and amendments thereto.

15.5 Traffic control curbs and/or bumper curbs shall be effectively anchored in place.

15.6 Parking bumpers shall be so placed that parked vehicles are prevented from encroaching on neighbouring property or public property.

15.7 External storage, mechanical equipment, or roof mounted equipment shall be screened in a manner approved by the Building Inspector.

15.8 Maintenance of Construction Sites

Every construction site shall be maintained free of loose or blowing debris and shall be subject to a continuous and effective program of dust control during the various phases of construction. The Building Inspector may require as a condition of issuance of the building permit, that security in a form acceptable to the Council and in an amount acceptable to the Building Inspector, be provided to guarantee compliance with this clause. In the event the conditions contained herein are violated, the Building Inspector may draw upon the security for the purpose of effecting adequate maintenance of the site. In the event the forfeited security is not sufficient to provide continuous maintenance of dust and debris until construction is finalized, the Band Council or its appointed agents, may enter into the site and take whatever actions are required

to resolve the matter, and charge the cost directly to the owner. The costs incurred shall be due and payable upon notice served by the Band upon the Permittee. Such charges shall bear interest at 2% per month within thirty days of date of notice.

15.9 Protection of Band Works and Adjacent Properties

Where work is being done subject to a permit under the provisions of this By-law, Band works and property adjacent to the work shall be protected and the Band shall be saved harmless from any damage or cost arising out of or incidental to the work.

15.10 Flood Control Requirement

No building shall be constructed:

- (a) With the elevation of the surface of the lowest floor (slab, crawl-space or basement) less than 30 cm above the overflow level of the Reserve drainage system servicing the property, or as approved by the Building Inspector.
- (b) With any area used for human habitation located at an elevation such that the underside of the floor system thereof is more than 0.5 m below the two hundred year flood level as determined from elevations provided by the Ministry of the Environment of the Province of British Columbia.

15.11 Notwithstanding the provision of Section 11, it is the responsibility of the owner to ensure that the building will be safe from water action, whether caused by surface runoff or not.

15.12 Prior to the issuance of a building permit for any building or structure within floor plain, the owner shall enter into a covenant which shall be registered in the Band Land Registry Office and shall run with the land. Such covenant shall effect the following conditions:

15.13 "The owner agrees to save harmless the Little Shuswap Indian Band in the event of any damage being caused by flooding to any building, improvement or other structure built, constructed or placed upon the said lands, and to any contents thereof".

Proof of registration of the covenant shall be provided to the Building Inspector prior to permit approval.

15.14 General Workmanship

All work shall at least conform to the rules and customs of good trade practice and shall be performed by people familiar with the work, well equipped and adequately supervised.

15.15 Retaining Walls

All retaining walls shall be designed and constructed in accordance with good engineering practice.

15.16 Identification

For the purpose of identification, and as a condition of occupancy, every parcel of real property containing a building subject to a permit under this By-law must display the street address of the property by means of clear and legible numbers.

15.17 Penalties

Every person, firm or corporation violating any provision of this By-law is liable on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days, or to both fine and imprisonment.

15.18 Disposition of Funds

All monies received under this By-law shall be deposited by the Band Administrator in the same manner as other revenue is received by Council and will be budgeted and used to defray Band expenses.

APPROVED AND PASSED at a duly convened meeting of the Council of the Little Shuswap Band of Indians, held at Squilax, British Columbia on the 9th day of August 1982.

FELIX ARNOUSE  
Chief

YVONNE C. ARNOUSE  
Councillor

W.A. ARNOUSE  
Councillor