



COUNCIL RESOLUTION

Title:	Squamish Nation Seńákw Certified Professional By-Law Amendment By-Law 2023
Resolution No.	23196
Subject:	Amendment to the <i>Squamish Nation Seńákw Certified Professional By-Law 2022</i> .
Moved By:	Councillor Stewart Gonzales – Sempúlyan
Seconded By:	Councillor Shayla Jacobs – Sumkwaht
Meeting Held At:	320 Seymour Blvd, North Vancouver, BC, V7J 2J3
Meeting Date:	2023-10-19

WHEREAS:

- A. Squamish Nation Council ("**Council**") enacted the *Squamish Nation Seńákw Certified Professional By-Law 2022* (the "**CP By-Law**") to govern the administration and enforcement of the British Columbia Building Code through a Certified Professional Program on Kitsilano Indian Reserve No. 6;
- B. Squamish Nation staff have recommended that the CP By-Law be amended to, among other things, incorporate the *Building Act* (British Columbia) and require compliance with the Squamish Nation Certified Professional Program Manual (as defined in the CP By-Law) and the manual titled "Squamish Nation Permitting & Inspections Approval Process Manual for Kitsilano Indian Reserve #6 – Seńákw dated October 19, 2023" (attached); and
- C. Council has been provided with a draft of the amendment to the CP By-Law which is titled "*Squamish Nation Seńákw Certified Professional By-Law Amendment By-Law 2023*".

THEREFORE, BE IT RESOLVED THAT:

1. Council hereby enacts, pursuant to Section 81(1) of the *Indian Act*, the *Squamish Nation Seńákw Certified Professional By-Law Amendment By-Law 2023* (attached).

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**Councillor Stewart
Gonzales**
Sempúlyan



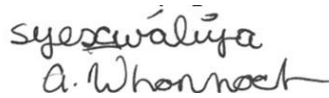
Councillor Shayla Jacobs
Sumkwaht



Chairperson Dustin Rivers
Sxwchálten iy Xelsílem



Councillor Kristen Rivers
Tiyáltelut



Councillor Ann Whonnock
Syexwáliya



Councillor Joyce Williams

**Councillor Richard
Williams**
Xwélxwelacha Síyam

Councillor Wilson Williams
Sxwíxwtn

A quorum of the Squamish Nation Council consists of the Chairperson & four (4) Councillors.

SQUAMISH NATION SENÁKW CERTIFIED PROFESSIONAL BY-LAW AMENDMENT BY-LAW 2023

A By-Law to amend the Squamish Nation Senákw Certified Professional By-Law 2022

WHEREAS

- A. Council (the “**Council**”) of the Squamish Nation enacted the *Squamish Nation Senákw Certified Professional By-Law 2022* (the “**CP By-Law**”) to govern the administration and enforcement of the British Columbia Building Code through a Certified Professional Program on Kitsilano Indian Reserve No. 6;
- B. Council wishes to amend the CP By-Law to, among other things, incorporate the *Building Act* (British Columbia) and require compliance with the Squamish Nation Certified Professional Program Manual (as defined in the CP By-Law, as amended hereby) and the Squamish Nation Construction Process Manual (as defined in this By-Law); and
- C. This By-Law can be referred to and cited for all purposes as the “*Squamish Nation Senákw Certified Professional By-Law Amendment By-Law 2023*”.

THEREFORE, the Council, at a duly convened meeting of Council assembled on October 20, 2023, hereby enacts, as a by-law, the following:

- 1. The CP By-Law is hereby amended as follows:
 - (a) the definition of “Building Code” in Section 2(c) is hereby deleted and replaced with the following:

“**“Building Code”** means the current edition of the British Columbia Building Code, including the current edition of the British Columbia Plumbing Code, the City of Vancouver Fire By-law and the elements of the Vancouver Building By-law pertaining to Vancouver Fire and Rescue Service Provisions, any requirements of the *Building Act*, SBC 2015, c. 2 and the regulations thereunder applicable to an improvement on fee simple lands in the province of British Columbia (other than the City of Vancouver) owned by a person (other than the Crown in right of Canada or the Crown in right of British Columbia) and any laws, by-laws, regulations, codes and requirements set out or referred to in the Squamish Nation Certified Professional Program Manual and the Squamish Nation Construction Process Manual, all as amended or replaced from time to time;”;
 - (b) by amending the definition of “Squamish Nation Certified Professional Program Manual” in Section 2(n) as follows:
 - (i) by adding a quotation mark immediately before the first reference to “Squamish”;

- (ii) by adding the words “with the approval of the Squamish Nation Director of Planning and Capital Projects” immediately before the period at the end thereof; and
- (iii) by deleting the period at the end thereof and replacing it with “; and”; and
- (c) by adding the following definition as a new Section 2(o):

“**Squamish Nation Construction Process Manual**” means the Squamish Nation Permitting & Inspections Approval Process Manual for Kitsilano Indian Reserve #6 - Seṇákw dated October 20, 2023 and approved by the Squamish Nation’s Director of Planning and Capital Projects, as amended from time to time with the approval of the Squamish Nation’s Director of Planning and Capital Projects.”;
- (d) by deleting Section 4 in its entirety and replacing it with the following:

“Building Code

4. The design, construction and alteration of all buildings and other improvements within the Reserve must comply with the provisions of the Building Code and this By-Law, including the requirements under the Squamish Nation Certified Professional Program Manual and the Squamish Nation Construction Process Manual.”;
- (e) by deleting Section 7 in its entirety and replacing it with the following:

“Application for Permit by Certified Professional

7. For the design and construction of a building, or portion thereof, that falls within the scope of Part 3 of the British Columbia Building Code, a Certified Professional shall submit an application for a Permit to the Designated Entity that includes all requirements of this By-Law and the Squamish Nation Certified Professional Program Manual. If the Designated Entity issues a Permit to the Owner, the Owner shall be bound by the Permit and shall comply with all the terms and provisions and perform all of the duties and obligations set out in or referred to in the Squamish Nation Certified Professional Program Manual and the Squamish Nation Construction Process Manual.”; and
- (f) by deleting the fee schedule attached as Schedule “B” thereto and replacing it with the fee schedule attached as Exhibit A.

THIS BY-LAW IS HEREBY DULY MADE A BY-LAW OF THE SQUAMISH NATION at a duly convened meeting of the Squamish Nation Council on the 20th day of October, 2023.

EXHIBIT A

BUILDING FEE SCHEDULE FOR SENÁKW Phases 1 & 2

See attached.



Building Fee Schedule for Senakw Phases 1 and 2

	Squamish Nation BP Fee	Squamish Nation CP BP Fee
1 The fees hereinafter specified shall be paid to the Nation with respect to and upon the application for the issue of a PERMIT as follows:		
(a) Except as provided for in Clause (b) for the CONSTRUCTION of any BUILDING, or part thereof (<i>fee based on a 35% reduction of the COV Fee and a further 25% reduction</i>): When the estimated cost of the work, being the valuation referred to in		
<i>Note 1</i> does not exceed \$5,000 or for the first \$5,000 of the estimated cost of the work	\$132.00	\$85.80
For each \$1,000, or part thereof, by which the estimated cost of the work		
exceeds \$5,000 but does not exceed \$50,000	\$8.40	\$5.46
For each \$1,000, or part thereof, by which the estimated cost of the work exceeds \$50,000	\$4.28	\$2.78
(b) For the installation, CONSTRUCTION, re-construction, ALTERATION or repair of, or ADDITION to:		
(c) For an OCCUPANCY PERMIT not required by the applicable code but requested	\$190.50	\$123.83
2 The fees hereinafter specified shall be paid to the Nation as follows:		
(a) For each special inspection of a BUILDING or structure to determine compliance with the applicable code, and in respect of which no specific fee is otherwise prescribed, the fee to be based on the time spent in making the inspection:		
For each hour or part thereof	\$171.75	
(b) For each REINSPECTION made necessary due to faulty work or materials or incomplete work requested to be inspected	\$171.75	
(c) For the extension of a BUILDING PERMIT where requested in writing by an applicant pursuant to <i>Note 2</i>	50 % of the BUILDING Permit fee to a maximum of \$317.25	
(d) For the extension of a building permit by Council where requested in writing by an applicant pursuant to <i>Note 3</i>	\$2,077.50	
(e) For evaluation of plans, specifications, building materials, procedures or design methods for the purpose of revisions to an application or a permit in accordance with <i>Note 4</i> where the PERMIT relates to any other BUILDING	\$520.50	
plus for each hour, or part thereof, exceeding one hour	\$260.25	
(f) For each RE-OCCUPANCY PERMIT after rectification of an UNSAFE CONDITION and related violations	\$316.50	
(g) For review of plans, specifications, building materials, procedures or design methods for the purpose of acceptance of an alternative solution for new construction per <i>Note 5</i> for each application	\$727.50	
(h) For the evaluation of a resubmission or revised submission made under Clause (g) of section 2	\$260.25	



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- 3 The aforementioned fees do not include the fees relative to third-party (trade) permits including, but not limited to electrical, plumbing, gas, elevator, fire and sprinkler



Note 1 Valuation For Permit

- 1) The value of the proposed work stated on the application for the permit shall reflect the total current monetary worth of all proposed materials, construction and work related to the building.
- 2) In addition to Sentence (1), the value of the proposed work shall include the total current monetary worth of all labour and all fees and costs incurred for design, investigative testing, consulting services, construction, construction management, contractor's profit and overhead, sales taxes, and construction insurance related to the building.
- 3) The total current monetary worth referred to in Sentences (1) and (2) shall include the market value of all labour, including unpaid labour provided by an owner or volunteer, and the market value of all materials, including donated, recycled or used materials.
- 4) The total current monetary worth referred to in Sentences (1) and (2) shall include all components of the building, notwithstanding the fact that some components of the building may be subject to other permits and fees.

Note 2 Application to Building Official for Extension

- 1) An owner who wishes to seek an extension of a permit shall make application to the Building Official prior to the expiry of the permit.
- 2) An owner who wishes to seek an extension of a permit shall submit the application in writing accompanied by the requisite extension fee.

Note 3 Application to Council for Extension

- 1) An owner who has been granted an extension of a permit by the Building Official may make application to Council for a further extension prior to the expiry of the permit.
- 2) An owner who wishes to seek an extension of a permit from Council shall submit an application in writing to the Building Official accompanied by the requisite extension fee.
- 3) The Building Official shall forward to Council any application submitted in accordance with this section, together with information and advice to assist Council in considering the application.

Note 4 Minor Revisions to Permit

- 1) The Building Official may accept an application for minor revisions to an existing permit if the proposed revisions do not add or delete additional storeys or major occupancy classifications to or from the project.

Note 5 Design Criteria

- 1) Alternative solutions shall be based upon an acceptable report sealed by an acceptable registered professional and provided to the Building Official, which shall include
 - a) a thorough description of the building,
 - b) an analysis of the building that identifies all deviations from the requirements of the applicable code,
 - c) the life safety principles considered in developing the proposed alternative solutions and their rationale, based upon NRC fire research reports and other approved agencies where applicable,
 - d) a proposal for alternative solutions,
 - e) an evaluation of the proposed alternative solutions based upon generally recognized studies,
 - f) evidence of reliable performance of the proposed alternative solutions,
 - g) a method of monitoring the design of the proposed alternative solutions, and
 - h) a commitment to perform field review of the proposed alternative solutions.
- 2) The report described in Sentence (1) shall be sufficiently detailed to permit evaluation of the proposed alternative solutions.
- 3) Upon acceptance of a proposed alternative solution by the Building Official, the registered professional who has placed their seal on the report shall
 - a) submit a letter to the Building Official, assuring that the alternative solution, as installed, will perform as represented in the report, and
 - b) at the request of the Building Official, submit an acceptable field commissioning and testing report.

Building Fee Schedule Phases 3 and 4

	Squamish Nation CP BP Fee
1 The fees hereinafter specified shall be paid to the Nation with respect to and upon the application for the issue of a PERMIT as follows:	
(a) Except as provided for in Clause (b) for the CONSTRUCTION of any BUILDING, or part thereof (<i>fee based on a 35% reduction of the COV Fee and a further 25% reduction</i>):	
When the estimated cost of the work, being the valuation referred to in <i>Note 1</i> does not exceed \$5,000 or for the first \$5,000 of the estimated cost of the work	\$176.00
For each \$1,000, or part thereof, by which the estimated cost of the work exceeds \$5,000 but does not exceed \$50,000	\$11.20
For each \$1,000, or part thereof, by which the estimated cost of the work exceeds \$50,000	\$5.70
(b) For the installation, CONSTRUCTION, re-construction, ALTERATION or repair of, or ADDITION to:	
(c) For an OCCUPANCY PERMIT not required by the applicable code but requested	\$254.00
2 The fees hereinafter specified shall be paid to the Nation as follows:	
(a) For each special inspection of a BUILDING or structure to determine compliance with the applicable code, and in respect of which no specific fee is otherwise prescribed, the fee to be based on the time spent in making the inspection:	
For each hour or part thereof	\$229.00
(b) For each REINSPECTION made necessary due to faulty work or materials or incomplete work requested to be inspected	\$229.00
(c) For the extension of a BUILDING PERMIT where requested in writing by an applicant pursuant to <i>Note 2</i>	50 % of the BUILDING PERMIT fee to a maximum of \$423.00
(d) For the extension of a building permit by Council where requested in writing by an applicant pursuant to <i>Note 3</i>	\$2,770.00
(e) For evaluation of plans, specifications, building materials, procedures or design methods for the purpose of revisions to an application or a permit in accordance with <i>Note 4</i>	
where the PERMIT relates to any other BUILDING	\$694.00
plus for each hour, or part thereof, exceeding one hour	\$347.00
(f) For each RE-OCCUPANCY PERMIT after rectification of an UNSAFE CONDITION and related violations	\$422.00
(g) For review of plans, specifications, building materials, procedures or design methods for the purpose of acceptance of an alternative solution for new construction per <i>Note 5</i>	
for each application	\$970.00
(h) For the evaluation of a resubmission or revised submission made under Clause (g) of Section 2	\$347.00

- 3 The aforementioned fees do not include the fees relative to third-party (trade) permits including, but not limited to electrical, gas, elevator, etc. Third-party reviews for plumbing, fire/sprinkler and alternative solutions will be subject to consultants cost plus a 20% administration fee.

Note 1 Valuation For Permit

- 1) The value of the proposed work stated on the application for the permit shall reflect the total current monetary worth of all proposed materials, construction and work related to the building.
- 2) In addition to Sentence (1), the value of the proposed work shall include the total current monetary worth of all labour and all fees and costs incurred for design, investigative testing, consulting services, construction, construction management, contractor's profit and overhead, sales taxes, and construction insurance related to the building.
- 3) The total current monetary worth referred to in Sentences (1) and (2) shall include the market value of all labour, including unpaid labour provided by an owner or volunteer, and the market value of all materials, including donated, recycled or used materials.
- 4) The total current monetary worth referred to in Sentences (1) and (2) shall include all components of the building, notwithstanding the fact that some components of the building may be subject to other permits and fees.

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 - a) a thorough description of the building,
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 - d) a proposal for alternative solutions,
 - e) an evaluation of the proposed alternative solutions based upon generally recognized studies,
 - f) evidence of reliable performance of the proposed alternative solutions,
 - g) a method of monitoring the design of the proposed alternative solutions, and
 - h) a commitment to perform field review of the proposed alternative solutions.
- 2) The report described in Sentence (1) shall be sufficiently detailed to permit evaluation of the proposed alternative solutions.
- 3) Upon acceptable of a proposed alternative solution by the Building Official, the registered professional who has placed their seal on the report shall
 - a) submit a letter to the Building Official, assuring that the alternative solution, as installed, will perform as represented in the report, and
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