
WILLIAMS LAKE FIRST NATION BUILDING LAW 2024-03



Williams Lake
FIRST NATION

September 5, 2024

**WILLIAMS LAKE FIRST NATION
BUILDING LAW 2024-03**

WHEREAS:

- A. Williams Lake First Nation has an inherent right to self-government which emanates from its people, culture, language, aboriginal rights, including title, over its traditional lands, which includes, but is not limited to, our Williams Lake First Nation Lands, and is recognized and affirmed by section 35 of the *Constitution Act*, 1982;
- B. Williams Lake First Nation has assumed control of its Williams Lake First Nation Lands pursuant to the First Nations Land Management Act, S.C. 1999, c. 24 by entering into the Individual Agreement on First Nation Land Management between Williams Lake First Nation and her Majesty the Queen in right of Canada and by adopting a Land Code;
- C. Pursuant to the Land Code and the Framework Agreement on First Nation Land Management Act S.C. 2022, c. 19, the Williams Lake First Nation Council can make laws with respect to the use of Williams Lake First Nation Lands, including a Building Law;
- D. Council of Williams Lake First Nation deems it advisable and in the best interests of Williams Lake First Nation to enact a Law to regulate the construction, repair, demolition, or removal of buildings and structures within Williams Lake First Nation Lands;

NOW THEREFORE Council of Williams Lake First Nation enacts the following Law:

1. TITLE

- 1.1 This Law may be cited for all purposes as "WLFN Building Law 2024-03".

2. DEFINITIONS

- 2.1 In this Law, unless the context otherwise requires

"accessory building" means a building or structure which is smaller, incidental and subordinate to that of a principal building;

"addition" means an alteration to any building which will increase the total aggregate floor area or in the building height (in stories), and includes the provision of two or more separate buildings with openings between each other for the interconnection;

"agent" means a person, firm, or corporation representing the registered holder, 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;

"alternative solution" means an alternative solution authorized under the Building Code'

"alteration" means a change, repair or modification of the construction or

arrangement of or use of any building or structure, or to an occupancy regulated by this Law;

"application" means the form of application for a permit established by Council, from time to time, which is to be completed by any person who carried out or intends to carry out any work on WLFN Lands;

"awning" means a retractable or non-retractable covering of non-rigid materials such as canvas or similar fabric projecting from the exterior wall of a building;

"Building Code" means the British Columbia Building Code as adopted by the Minister responsible under Provincial legislation as amended or re-enacted from time to time;

"Building Official" means the person appointed from time to time by Council, or with whom Council has an agreement, to act as Building Official for the purpose of enforcing and carrying out the provisions of this Law and includes any delegate;

"building permit" means the form of permit established by Council, from time to time, and when signed by the Building Official it will be the authority for a person to proceed with the work authorized thereon;

"Canada Lands Surveyor" means a Canada Lands Surveyor within the meaning of section 2 of the Canada Lands Surveyors Act;

"canopy" means a non-retractable hood cover or marquee which projects from the wall of a building. It does not include awning, projecting roof, roof eaves, or enclosed structure;

"change of use or occupancy" means changing the use of a building, or portion of a building, to an alternative use, even if no construction or alterations are anticipated;

"construction" means any erection, repair, alteration, enlargement, addition, demolition, removal or excavation;

"construct" or **"construction"** means to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;

"Council" means the governing body of WLFN;

"Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer of Williams Lake First Nation;

"demolition permit" means the form of permit established by Council, from time to time, and when signed by the Building Official it will be the authority for a person to demolish a building;

"do not occupy order" means the form of notice established by Council, from time

to time, and when signed by the Building Official orders the stoppage of occupancy of a building or structure;

"inspection notice" means the form of notice established by Council, from time to time, and when signed by the Building Official will serve as notice that he intends to inspect the works indicated thereon;

"inspection report" means the form of report established by Council, from time to time, and when signed by the Building Official serves as the record of his approval or disapproval of any work and includes any recommendations by the Building Official regarding any work;

"manufactured home" means a modular home or a mobile home as defined in this Law.

"marquee" means a roof type structure which projects from or above the exterior wall of a building usually over the entrance to a public building such as a theatre on which there is usually a sign;

"mobile home" means a manufactured home constructed to the requirements of the CSA National Standard CAN/CSA-Z240MH Series-09 or any preceding or replacement standard;

"modular home" means a manufactured home conforming to the requirements of the CSA National Standard CAN/CSA A277-08 or any preceding or replacement standard for certified factory-built homes;

"occupancy permit" means the form of permit established by Council, from time to time, and when signed by the Building Official it will be the authority for a person to occupy premises for which a building permit was issued;

"occupant" or "occupier" means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling or premises within WLFN Lands;

"Officer in Charge" means the officer in charge of the detachment of the RCMP responsible for policing WLFN Lands, or any delegate;

"permit" means permission or authorization in writing by the Building Official to perform work regulated by this Law and, in the case of a final inspection notice, to occupy a building or part of a building;

"person" in addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such person to whom the context can apply according to law;

"registered holder" means a person who is registered in the WLFN Lands Register as

the holder of an interest in WLFN Lands and, where applicable, includes the occupant;

"registered professional" means:

- (a) a person who is registered or licensed to practice as an architect under the *BC Architects Act*, or
- (b) a person who is registered or licensed to practice as a professional engineer under the *BC Engineers and Geoscientists Act*;

"retaining wall" means any structure other than a building that holds or retains soil or other earth material behind it;

"reviewed" means reviewed by the Building Official under the applicable provisions of the Building Code and this Law;

"scale of fees" means the schedule of fees established by Council, from time to time, which sets the fees applicable to any work other than plumbing;

"scale of fees - plumbing" means the schedule of fees established by Council, from time to time, which sets the fees applicable only to plumbing work

"stop work order" means the form of notice established by Council, from time to time, and when signed by the Building Official orders the stoppage of work on the work stated thereon;

"swimming pool" means a structure capable of being filled with water, used or intended to be used for swimming, bathing, wading or soaking having a surface area exceeding 14 m² or a depth of more than 60 centimeters;

"WLFN Lands" means:

- (a) The following WLFN Indian Reserves:
 - (i) Williams Lake Indian Reserve No. 1;
 - (ii) Asahal Indian Reserve No. 2;
 - (iii) Five Mile Indian Reserve No. 3
 - (iv) James Louie Indian Reserve No. 3A;
 - (v) Tillion Indian Reserve No. 4;
 - (vi) Chimney Creek Indian Reserve No. 5;
 - (vii) San Jose Indian Reserve No. 6;
 - (viii) Carpenter Mountain Indian Reserve No. 15; and
- (b) Lands set apart by Canada in the future as lands reserved for the use and benefit of WLFN, within the meaning of subsection 91(24) of the *Constitution Act*, 1867 and section 2(1) of the *Indian Act*;

"work" means the same as construction as defined in this Law.

Unless otherwise provided in this Law, words, expressions and rules of construction

used in this Law have the same meaning as in the WLFN Land Code and the Building Code.

- 2.2 The standards contained in or made pursuant to the Building Code and the BC *Electrical Safety Act*, as amended from time to time, governing the design and construction of buildings, apply to the design and construction of buildings, within WLFN Lands.
- 2.3 Every reference to:
- (a) the Building Code is a reference to the current edition as of the date of issuance of the building permit; and
 - (b) a section of the Building Code is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.
- 2.4 Whenever the singular, or masculine is used in this Law, it shall be deemed to include the plural or the feminine.

3. PURPOSE OF LAW

- 3.1 This Law is enacted to regulate, prohibit and impose requirements in regard to construction on WLFN Lands in the public interest.
- 3.2 Despite any other provisions of this Law, this Law must be interpreted in accordance with this section.
- 3.3 Every permit issued under this Law is issued expressly subject to the provisions of this section.
- 3.4 The purpose of this Law does not extend to:
- (a) the protection of registered holders, designers, constructors, or any other person from economic loss;
 - (b) the assumption by the WLFN or any Building Official of any responsibility for ensuring compliance by any registered holder, their representatives or any employees, constructors or designers retained by the registered holder, with the Building Code, the requirements of this Law, or other applicable enactments, standards, or laws;
 - (c) providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this Law;
 - (d) providing any person a warranty or assurance that construction undertaken under building permits issued by the WLFN is free from latent, or any defects; or
 - (e) the protection of adjacent real property from incidental damage or nuisance.

4. APPLICATION

- 4.1 This Law applies to buildings, structures, land, water and airspace within WLFN Lands.
- 4.2 This Law applies to the design, construction or occupancy of new buildings or structures, and the alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing buildings and structures, including:
- (a) any part remaining when a building is demolished to an extent of more than 75% of its value above its foundation as determined by the Building Official;
 - (b) any site grading and/or asphalt or other permanent surfacing, which will affect the drainage characteristics of the parcel;
 - (c) the installation, removal or alteration of plumbing and fire suppression systems or fixtures; and
 - (d) the installation, removal or alteration of mechanical heating and ventilation systems for commercial cooking systems, spray booths or wood working operations.
- 4.3 Except where it may constitute a hazard, this Law does not apply to:
- (a) fences, except as set out in section 15 of this Law;
 - (b) accessory buildings not used as a dwelling unit with a floor area of less than 10m²;
 - (c) trellises and arbours;
 - (d) retaining walls supporting soil that is:
 - (i) less than 1.2 metres in height; or
 - (ii) if in the opinion of the Building Official, the retaining wall does not constitute a potential unsafe condition;
 - (e) landscaping or other surfacing of land, except when creating a public parking lot;
 - (f) bridges other than pedestrian and vehicular bridges attached to buildings;
 - (g) docks or wharves;
 - (h) decks or patios which are less than 60 centimeters from the ground or finished grade, which are not attached to a building and have no walls or roofs;

- (i) repair and maintenance of lawfully-conforming structures where the level of life safety and building performance shall not be decreased below a level that already exists;
- (j) minor renovations valued at up to \$25,000 only if not creating new rooms or spaces in a building, if non-structural and not related to plumbing or foundation perimeter drains;
- (k) re-roofing or replacing exterior cladding unless structural repairs are required, or insulation is also being replaced or upgraded;
- (l) the cleaning and repair of mechanical heating and ventilation systems; and
- (m) clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the works does not involve or require the rearrangement of valves, pipes or fixtures or hot water tanks.

5. LIMITED APPLICATION TO EXISTING BUILDINGS

- 5.1 Except as provided in the Building Code or to the extent an existing building is under construction, when an existing building has been constructed before the enactment of this Law, the enactment of this Law is not to be interpreted as requiring that building be reconstructed or altered, unless it is expressly so provided by a resolution of Council, an amendment to this Law, or another enactment, standard, or law.
- 5.2 This Law applies if the whole or any part of any existing building that is moved either within or on to WLFN Lands.
- 5.3 If an alteration is made to an existing building the alteration must comply with this Law and the Building Code and the entire building must be made to comply with this Law and the Building Code, but only to the extent necessary to address any new infractions in the remainder of the building as a result of the alteration.
- 5.4 If an alteration creates an addition to an existing building, the alteration or addition must comply with this Law and the Building Code and the entire building must be made to comply with this Law and the Building Code, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration or addition and all applicable enactments, standards, or laws.

6. PROHIBITIONS

- 6.1 No person shall commence or continue any construction, alteration, excavation, reconstruction, demolition, removal, relocation or change of use or occupancy of any building or structure, including any other work related to construction;
 - (a) except in conformity with the requirements of the Building Code and this Law; and

- (b) unless a Building Official has issued a valid and subsisting permit for the work under this Law.
- 6.2 No person shall occupy or permit the occupancy of any building or structure or part of a building or structure unless a subsisting final inspection notice has been issued by the Building Official for the building or structure or the part of the building or structure.
- 6.3 No person shall knowingly submit false or misleading information to a Building Official in relation to any permit application or construction undertaken pursuant to this Law.
- 6.4 Except in accordance with this Law, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and or plans and supporting documents which have been filed for reference with the Building Official after a permit has been issued.
- 6.5 No person shall, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted or affixed to a building or structure pursuant to this Law, unless authorized by the Building Official.
- 6.6 No person shall do any work that is substantially at variance with the reviewed design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been authorized in writing by a Building Official.
- 6.7 No person shall interfere with or obstruct the entry of the Building Official or other authorized official of WLFN on property in the administration of this Law.
- 6.8 No person shall construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public roadway from which it takes its address.
- 6.9 No person shall contravene an administrative requirement of a Building Official made under section 8.2 or any other provision of this Law.
- 6.10 No person shall change the use or occupancy of a building or structure or part of a building or structure without first applying for and obtaining an occupancy permit under this Law.
- 6.11 No person shall cover or conceal any works required to be inspected under this Law without first obtaining written acceptance from the Building Official.
- 6.12 No person shall continue any work if a stop work order is posted by the Building Official other than the remedial actions required by the notice.
- 6.13 No person shall occupy a building, structure, or part of a building or structure if a do not occupy order is posted by a Building Official.

7. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL

- 7.1 The Building Official is responsible for the administration and enforcement of this

Law.

- 7.2 The Building Official must ensure WLFN keeps copies of all permits and orders issued, inspections and tests made, and of all papers and documents connected with the administration of this Law for a period of not less than ten (10) years from the date of issuance of the permit.
- 7.3 The Building Official must:
 - (a) issue such notices or orders as may be required to inform the registered holder where a contravention of this Law has been observed;
 - (b) issue an order to the registered holder to correct any unsafe condition observed in any building.
- 7.4 The Building Official, when issuing a stop work notice as provided for in section 8.2(b) of this Law, must post such notice in a conspicuous location on the construction site, in the presence of the permit holder or the permit holder's agent.
- 7.5 The Building Official, when requested to do so, must within a reasonable time, provide reasons for refusal to grant a permit.
- 7.6 The Building Official must answer such questions as may be reasonably relative to the administration of this 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.
- 7.7 The Building Official must issue a permit when, to the best of his knowledge, the conditions set forth in this Law and any other applicable WLFN Law and any other applicable construction related federal or provincial Act or regulation have been met.
- 7.8 The Building Official must 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 Law and any other applicable WLFN Law and any other applicable construction related federal and provincial Act or regulation.
- 7.9 The Building Official must carry proper credentials and produce them for inspection upon request.

8. POWERS OF THE BUILDING OFFICIAL

- 8.1 The Building Official may enter any building or premises at any reasonable time for the purpose of administering or enforcing this or any other applicable WLFN Law.
- 8.2 The Building Official is empowered to order:
 - (a) a person who contravenes this Law to comply with this Law in a specified time period;
 - (b) work to stop on a building or part thereof, if work is proceeding in a

- contravention of the Law or if an unsafe condition is deemed to exist;
 - (c) the removal of any unauthorized encroachment on community lands;
 - (d) the removal of any building or part thereof constructed in contravention of this Law;
 - (e) the termination of any occupancy, in the contravention of this Law or other applicable WLFN Law; and
 - (f) the termination of any occupancy if any unsafe condition is deemed to exist because of work undertaken or not completed.
- 8.3 The Building Official may direct that sufficient evidence or proof be submitted at the expense of the registered holder to determine whether a material, device, construction method, assembly, construction or foundation condition meets the requirements of this Law.
- 8.4 The Building Official may require any registered holder to submit an up-to-date plan of survey by a registered Canada Lands Surveyor, which plan must contain sufficient information regarding the site, the location of the building and the building to:
- (a) establish prior to construction that requirements of this Law and any other applicable WLFN 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.
- 8.5 The Building Official 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 the opinion of the Building Official;
- (a) the site condition, soil types, contours or drainage requires special foundation design; or
 - (b) the proposed building or structure is not standard construction; or
 - (c) the proposed building or structure is valued at \$25,000 or more; or
 - (d) the proposed building or structure is of a category requiring professional design.
- 8.6 The Building Official may further require that all phases of the construction are reviewed, inspected and certified on completion by the architect or engineer over their respective, official seals and signatures.
- 8.7 The Building Official may issue, solely at the risk of the registered holder, a building 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 Official that the work to be done will comply with all requirements of the Building Code and of this Law or any other applicable WLFN Law or any other applicable construction related federal or provincial Act or regulation; and
- (b) adequate information and detailed statements have been filed to the extent that the Building Official is satisfied the remainder of the building or complex will comply with all other applicable WLFN Law or any other applicable construction related federal or provincial Act or regulation.

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

8.9 The Building Official may refuse to issue a permit:

- (a) if in his opinion, information submitted is inadequate to ensure compliance with this or any other applicable WLFN Law;
- (b) if incorrect information is submitted;
- (c) that would be prohibited by any other law, Act or regulation;
- (d) if site work has been carried out previous to issuance of a permit, including but not limited to, excavation or fill;
- (e) if a water meter has not been installed on new construction as required by WLFN Waterworks Law, as amended from time to time.

8.10 The Building Official 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;
- (e) for a violation of this Law or the provision of any other applicable WLFN Law.

8.11 The revocation must be in writing and transmitted to the permit holder by registered mail.

8.12 The Building Official 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 the Building Official is not satisfied with the value submitted with the permit Application.

- 8.13 The Building Official may, when of the opinion that 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, make safe such condition at the expense of the registered holder and if the registered holder does not pay the cost on or before December 31st in the year that the compliance was effected, the cost for so doing may be added to the current year's property taxes or rent, as the case may be.
- 8.14 The Building Official may, when immediate measures must be taken to correct an imminent danger of fire or risk of accident, take appropriate action, without notice and at the expense of the registered holder and the cost for so doing may be added to the current year's property taxes or rent, as the case may be.
- 8.15 The Building Official may, before issuing an occupancy permit, require the registered holder to provide certification that the requirements of this Law and other applicable Laws have been complied with.
- 8.16 The Building Official 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; and
 - (d) no unsafe conditions exist.
- 8.17 The Building Official, in order to prevent unnecessary delay, may, prior to issuing a building permit, grant permission, subject to such conditions as deemed prudent, for a registered holder to excavate or fill on a proposed building site.
- 8.18 The Building Official, prior to issuing a building permit, or during the course of construction, is empowered to impose such conditions as deemed reasonable to protect neighboring parcels.

9. DUTIES AND RESPONSIBILITIES OF THE REGISTERED HOLDER

- 9.1 Every registered holder must allow the Building Official to enter any building or premises at any reasonable time for the purpose of administering and enforcing this Law or any other applicable WLFN Law or any other applicable construction related federal or provincial Act or regulation.
- 9.2 Every registered holder must obtain all permits and approvals required in connection with proposed work, prior to commencing such work.
- 9.3 Every registered holder must ensure that all permits, plans, specifications, and

supporting documents on which a permit was based, all inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours of the Building Official.

- 9.4 Every registered holder must ensure that all permits are posted conspicuously on the site during the entire execution of the work.
- 9.5 Every registered holder must ensure that plans submitted with a permit application bear the name, phone number, address and email address of the designer of the building or structure.
- 9.6 Every registered holder and every agent must carry out construction or have construction carried out in accordance with the requirements of the Building Code, this Law, and all other applicable WLFN Laws.
- 9.7 Every registered holder must notify the Building Official of the date of commencement of work on a building site.
- 9.8 Every registered holder must, during construction, post a civic address on the property so that it may be easily read from the public roadway from which the property takes its address.
- 9.9 Every registered holder must, during construction, post a copy of the permit on the property so that it may be easily read from the public roadway from which the property takes its address.
- 9.10 Every registered holder must give notice to the Building Official of an intent to occupy or allow occupancy of a building or portion of a building.
- 9.11 Every registered holder must provide the Building Official with safe access to the work site and all areas requiring inspection.

10. DUTIES AND RESPONSIBILITIES OF REGISTERED PROFESSIONALS

- 10.1 The provision by the registered holder to the WLFN of letters of assurance in accordance with the requirements of the Building Code shall occur prior to:
 - (a) the pre-occupancy;
 - (b) site review coordinated by the coordinating registered professional or other registered professional for a complex building; or
 - (c) a final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the Building Code, in which case the registered holder must provide WLFN with letters of assurance in the form of Schedules C-A or C-B, as appropriate, as outlined in the Building Code.
- 10.2 A registered holder must retain a registered professional to provide a professional design and plan certification and letters of assurance in the form of Schedule A, B, C-A and C-B as referred to in the Building Code, in respect of a permit application:

- (a) prior to the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building; or
 - (b) prior to the final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, as appropriate, referred to in the Building Code;
 - (c) a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the Building Code;
 - (d) prior to alterations to a building, or to structural components of a building described in paragraph (b);
 - (e) for a building in respect of which the Building Official determines the site conditions, size or complexity warrant in the interests of safety of persons or protection of property under the Building Code;
 - (f) if the building envelope components of the building fall under Division B Part 3 of the Building Code, the building contains more than five (5) dwelling units, or if the building envelopes do not comply with prescriptive requirements of Division B Part 9 of the Building Code; and
 - (g) for a parcel of land on which a building or structure is proposed that the Building Official believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, or avalanche,
 - (i) a report certified by a professional by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the Building Code and the relevant Laws of WLFN.
- 10.3 The Building Official may require any registered professional carrying out the professional design and review to provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required and at the discretion of the Building Official, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.
- 10.4 The letters of assurance in the form of Schedules A and B as referred to in the Building Code are relied upon by WLFN and its building officials as certification that the design and plans to which the letters of assurance refer comply with the Building Code, this Law, and other applicable enactments, standards, or laws.
- 10.5 Letters of assurance must be in the form of Schedules A and B referred to in the Building Code.

- 10.6 For a building permit issued for the construction of a complex building, the Building Official shall provide the registered holder with a notice that the building permit is issued in reliance on the certification of the registered professional that the professional design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments, standards, or laws. Any failure on the part of the Building Official to provide the registered holder with the notice will not diminish or invalidate the reliance by WLFN or its Building Official on the registered professionals.
- 10.7 A registered holder who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code or this Law must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed alternative solution will provide the level of performance required by the Building Code or this Law and pay the fee specified in the scale of fees.
- 10.8 A registered holder who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code or this Law must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed alternative solution will provide the level of performance required by the Building Code or this Law and pay the fee specified in the scale of fees.

11. GENERAL PERMIT REQUIREMENTS

- 11.1 Prior to applying for a building permit, the register holder must satisfy the following requirements or conditions:
- (a) the registered holder must ensure that the proposed building or structure complies with all Laws of WLFN, except to the extent a variance of a Law is authorized;
 - (b) the registered holder must be able to provide evidence to the showing that the person applying for the building permit is either the owner of the parcel or is registered in the WLFN Lands Register as the holder of that parcel is the subject of the proposed building permit, or is the agent, in which case, the agent must provide the name and contact information of the owner.
- 11.2 Council may, by resolution passed at a duly convened meeting, establish a schedule containing building permit application requirements to complement and support this Law, and will post notice in the public area of the WLFN administration building and make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.
- 11.3 Council may, by resolution passed at a duly convened meeting, correct, revise or update a schedule containing building permit application requirements. WLFN shall post notice of amendment to the schedule in the public area and will make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.
- 11.4 Prior to the issuance of a building permit, the registered holder must satisfy the requirements and conditions contained in *Schedule A – Building Permit Application Requirements*.

- 11.5 The Building Official may allow the essential information to be shown on the plans in lieu of written specifications but in no case will such terms as "in accordance with the Law", "legal", similar terms be used as substitutes for specific information.
- 11.6 Where application is made to erect a building on the site of an existing building or structure, which act would be in violation of WLFN Law or any other applicable WLFN law or regulation, the Building Official may issue a building permit provided:
- (a) the existing building or structure is removed prior to issuance of the building permit; or
 - (b) security in a form satisfactory to Council in an amount double the appraised value of the existing building or structure and in any case, no less than \$5,000.00 in value is deposited with WLFN prior to issuance of the building permit as a guarantee that the offending building or structure will be removed immediately upon occupancy of the new building.
- 11.7 The word "temporary", as used in this subsection, must mean a period not exceeding twelve (12) months. A person desiring to erect a temporary building, structure or shelter must make application for a building permit therefore, in writing, to the Building Official. The application must 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 Official, 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.
- 11.8 No building 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.
- 11.9 Before receiving a building permit for a building or structure, the registered holder must first pay to WLFN:
- (a) the building permit fee prescribed in Schedule of fees; and
 - (b) any other fees, fines or penalties, charges, levies, or taxes imposed by WLFN and payable under enactment at the time of issuance of the building permit fee.
- 11.10 The application fee shall be credited against the permit fee when the permit is issued.

- 11.11 If construction has advanced without inspection to a stage where compliance with this Law or other applicable enactments, standards, or laws cannot be readily determined, the Building Official may require tests and investigations by an independent agency at the registered holder's expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a permit.
- 11.12 A building permit application expires 180 days from the date an application is received under this section if the building permit is not issued by the application expiration date, unless the permit is not issued only due to delays caused by WLFN.
- 11.13 The Building Official may refuse to issue a permit where in their opinion:
- (a) the proposed work will contravene the requirements of the Building Code or the provisions of this or any other Law of WLFN;
 - (b) the applicant or registered holder has been notified of a violation of this or any other law of WLFN with regard to the construction, occupancy, or use of any building, structure, or part thereof, and such violation has not been remedied;
 - (c) the results of the tests on materials, devices, construction methods, structural assemblies, or foundation conditions are not satisfactory to the Building Official; or
 - (d) the parcel referred to in the permit application does not:
 - (i) have vehicular access; or
 - (ii) meet requirements of other WLFN laws;
- such permit refusal must be in writing and sent to the permit applicant.
- 11.14 Each building, structure, or part thereof on a site requires a separate permit and shall be assessed a separate permit fee based on the value of that building, structure, or part thereof.
- 11.15 The Building Official may issue a permit for a portion of a building or structure before the design, plans and supporting documents for the entire building or structure have been reviewed provided sufficient information has been provided to WLFN to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and other applicable WLFN Laws and the permit fee applicable to that portion of the building or structure has been paid. Notwithstanding the issuance of the permit, the requirements of this Law shall apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.
- 11.16 If a site has been excavated under a building permit for excavation under this law and a building permit is not subsequently issued or a subsisting building permit has

expired under section 11.29, but without construction of the building or structure for which the building permit was issued having commenced, the registered holder must fill in the excavation to restore the original gradients to the site within 60 days of being served notice by WLFN to do so.

- 11.17 If a building permit with partial commencement of construction has discontinued for more than 90 days or when the permit has expired, been revoked, or cancelled with no extension requested of the Building Official under section 11.29, every registered holder must install permanent type fencing with privacy screen complying with the WLFN's Law around the building site for protection to the public.
- 11.18 A building permit or an application for a building permit that is in process may not be transferred or assigned until the registered holder has notified the Building Official in writing, the Building Official has authorized the transfer or assignment in writing and the registered holder has paid the non-refundable fee required in scale of fees. The transfer or assignment of a building permit is not an extension of a building permit.
- 11.19 The review of plans and supporting documents and issuance of a building permit do not prevent the Building Official from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting construction or occupancy being carried on when in violation of this or another law.
- 11.20 Despite the requirement for the Building Official's acceptance of the work outlined in section 11.23, if a registered professional provides letters of assurance, WLFN will rely solely on the field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Law as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the design, plans, and specifications and that the construction complies with the Building Code, this Law and other applicable enactments, standards, or laws respecting safety. Copies of all field reviews must be submitted to WLFN.
- 11.21 Despite section 11.30, the Building Official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 11.22 The Building Official may attend periodically at the site of construction of simple buildings or structures to ascertain whether the work is being carried out in substantial conformance with the Building Code, this Law, and any other applicable enactments, standards, or laws concerning safety.
- 11.23 The Building Official will only carry out an inspection if the registered holder has requested an inspection online or by phoning the designated inspection line in accordance with this Law.
- 11.24 Council may, by resolution passed at a duly convened meeting establish a schedule that establishes specific requirements and conditions for inspections to complement and support this Law and will post notice in the public area of the WLFN administration building and make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.

- 11.25 Council may, by resolution passed at a duly convened meeting, correct, revise or update a schedule containing specific requirements and conditions for inspections. . WLFN shall post notice of amendment to the schedule in the public area and will make a copy available for viewing upon request and free of charge at the administrative offices of WLFN
- 11.26 Every permit is issued on the condition that the permit expires and the rights of the registered holder under the permit terminate if:
- (a) the work authorized by the permit is not commenced within 180 days from the date of issuance of the permit unless extended under section 11.28;
 - (b) work is discontinued for a period of 180 days; or
 - (c) the work is not completed within 2 years of the date of issuance of the permit, unless extended under section 11.29.
- 11.27 Where a permit has expired, the work shall cease and the construction shall be removed, unless a new permit application is made within 180 days of the expiry date of the permit.
- 11.28 Where a permit has expired, a new permit application is made, all construction shall comply with this law, the Building Code, and any other enactment, standard, or law in force at the time of the new application.
- 11.29 Where construction has not commenced within 180 days from the date the permit was issued, the Building Official may extend the permit for a period not more than 180 days from the date expiry of the original permit, but the permit shall then be void if construction has not started within 360 days from the original date of the issuance of the permit, if:
- (a) application for the extension is made at least 30 days prior to the date or permit expiration, and
 - (b) the non-refundable fee set out in the scale of fees has been paid.
- 11.30 Where construction has commenced and has not been discontinued or suspended for a period of more than 180 days, the Building Official may extend the expiry date for the permit for such period of time as the Building Official considers reasonable, where the Building Official is satisfied there exists a reasonable excuse for the delay in completing construction, if:
- (a) application for the extension is made at least 30 days prior to the date or permit expiration,
 - (b) the non-refundable fee set out in WLFN's law has been paid; and
 - (c) the registered folder has or their representative has paid all charges,

penalties, or fines and met all requirements imposed by any other enactment or law.

- 11.31 A building permit, or a building permit application, may be cancelled by the registered holder or agent on delivery of written notification of cancellation to the Building Official.
- 11.32 On receipt of the written cancellation notice, the Building Official must mark on the application, and a permit if applicable, the date of cancellation and the word "cancelled".
- 11.33 No person may occupy a building or structure or part of a building or structure until a final inspection notice has been issued by the Building Official for:
- (a) the first occupancy of a building or structure or part thereof after completion of construction, or
 - (b) any change of use or occupancy of any building or structure or part thereof.
- 11.34 A final inspection notice will not be issued unless:
- (a) all letters of assurance have been submitted when required in accordance with this Law;
 - (b) all aspects of work requiring inspection and review pursuant to section 11.33 of this Law have been both inspected and reviewed or the inspections and review are not required in accordance with this Law;
 - (c) the registered holder has provided to WLFN a building survey provided by a Canada Lands Surveyor showing the building height, size, location, and elevation determined in accordance with WLFN Land Use Plan;
 - (d) all other documentation required under applicable enactments, standards, or laws has been delivered to WLFN;
 - (e) where any of the requirements for life and fire safety have been deemed to be satisfied by an alternative solution pursuant to the Building Code, the registered holder shall submit to the Building Official, prior to use or occupancy of the building or structure, certification from the registered professional responsible for the equivalency, that the construction substantially complies with the requirements set out in the alternative solution report; and
 - (f) all required off-site services and on-site services respecting safety have been completed.
- 11.35 When a registered professional provides letters of assurance in accordance with this Law, WLFN will rely solely on the letters of assurance when issuing a final report authorizing occupancy as assurance that the items identified on the letters of

assurance substantially comply with the design, the Building Code, this Law, and other applicable enactments, standards, or laws respecting safety.

11.36 The Building Official may issue a final inspection notice for a partial occupancy of a portion of a building or structure under construction when:

- (a) that portion of the building or structure is self-contained and provided with essential services respecting health and safety aspects of the work, and if applicable, accessibility, GHG emissions, and conservation; and
- (b) the requirements set out in Schedule C – Inspections have been met with respect to that portion of a building or structure.

11.37 The registered holder, developer, or builder shall ensure that no unsafe condition exists or will exist resulting from the work being undertaken or not completed.

11.38 The Building Official may withhold an occupancy permit until the building, structure or part thereof complies with this Law, the Building Code, and any other applicable enactments, standards, or laws.

11.39 The Building Official may revoke an approval for occupancy for failure to comply with any conditions of the approval.

12. ORDERS AND NOTICES

12.1 The Building Official may issue such written notice or orders as the Building Official considers necessary to inform the registered holder of a contravention of this Law.

12.2 A notice or order shall state the nature of the contravention and the date or phase of construction before which the contravention must be remedied.

12.3 A copy of the notice or order shall be sufficiently served if mailed to the registered holder at the address appearing on the records of the WLFN for the parcel to which the notice or order relates.

12.4 The Building Official may direct the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a stop work order on the premises when it is found that the work is not being performed in accordance with the requirements of the Building Code, or applicable law of WLFN.

12.5 The coordinating registered professional may request, in writing, that the Building Official order the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a stop work order on the premises. The Building Official must consider each request and, if not acted upon, must respond, in writing, to the coordinating registered professional and give reasons.

12.6 If a registered professional's services are terminated, the registered holder must immediately stop any work that is subject to their design or field review and the Building Official is deemed to have issued a stop work order under section 12.4.

- 12.7 The registered holder must immediately, after the posting of a notice under section 12.4, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation, and of every applicable law of WLFN.
- 12.8 The notice referred to in section 12.4 must remain posted on the premises until that which is contrary to the applicable enactments, standards, or laws has been remedied.
- 12.9 If a person occupies a building or structure or part of a building or structure in contravention of the Law, the Building Official may post a do not occupy order on the affected part of the building or structure.
- 12.10 If a notice is posted under section 12.9, the registered holder of a parcel on which a do not occupy order has been posted, and every other person, must cease occupancy of the building or structure immediately and refrain from occupancy until all applicable provisions of the Building Code and this Law have been substantially complied with and the do not occupy order has been rescinded in writing by the Building Official.

13. RELOCATION OF BUILDINGS

- 13.1 No person shall relocate a manufactured home, structure, building or part thereof within WLFN Lands or onto WLFN Lands unless the registered holder or agent has first obtained a building permit.
- 13.2 The relocation of manufactured homes factory constructed and assembled more than 20 years prior to the permit application is prohibited. The year, make, model and serial numbers shall be determined by the CSA Rating Plate and/or the Province of British Columbia Mobile Home Registry.
- 13.3 Every application for a building move shall be in accordance with sections 11.1 to 11.2 of this law, and;
 - (a) in the case of a manufactured building, be affixed with a CSA Rating Plate in respect of manufacturing providing the year, make, model and serial number and/or the Province of British Columbia Mobile Home Registry.
- 13.4 The Building Official may require a report from an accredited restoration company or a registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a building permit to relocate a mobile home, modular home, or other building.
- 13.5 Where a manufactured home is less than five years old, the building evaluation may be waived by the Building Official.
- 13.6 A registered holder shall upgrade the following items where applicable to meet current Building Code requirements when a mobile home, modular home, or other building is relocated:
 - (a) chimneys and fireplaces;

- (b) any portions of the building in which failure is visibly evident without removing finishes;
 - (c) smoke alarms, carbon monoxide alarms, and fire exit windows;
 - (d) plumbing;
 - (e) required stairs;
 - (f) cladding shall be required and installed in accordance with the appropriate requirements of the Building Code; and
 - (g) the building shall be placed on a permanent foundation, except for mobile homes which are not required to be placed on a permanent foundation.
- 13.7 The registered holder shall replace the following systems when a manufactured home, or other building is relocated if they are decayed, worn out, or otherwise damaged during the relocation and moving process:
- (a) roofing; and
 - (b) exterior finish or portions of the exterior finish.
- 13.8 The Building Official may issue a permit for construction involved in the moving of any building, structure, or part thereof into or within WLFN when the registered holder has provided to WLFN
- (a) a security deposit in a form acceptable to Council, and in an amount equal to the estimated cost of completing the building in its new location to occupancy stage. The amount so estimated must be acceptable to the Building Official, but in case will the amount of the security be less than \$5,000.00;
 - (b) proof of liability and property damage insurance in the all-inclusive limits of \$1,000,000.00 to insure against damage or injury arising out of the moving of the building, structure, or part thereof; and
 - (c) the time, manner and route of the move has been approved by the Building Official, the Officer in Charge and the provincial Ministry of Transportation and Highways when applicable.
- 13.9 All construction including relocations, alterations and additions for relocated mobile homes, modular homes, or other buildings shall be completed within 180 days of the date the permit was issued.
- 13.10 Should a building which has been relocated subject to the provisions of section 13.1 not be completed to occupancy stage within one (1) year from the date of issuance of the building permit, the Building Official may draw upon the security required under the subject section and take whatever action is necessary to effect completion of the building.

- 13.11 All manufactured homes must be installed in accordance with CSA Standards Z240.10.1-94, "Site Preparation, Foundation, and Anchorage of Manufactured Homes".
- 13.12 All building permits issued for manufactured home alteration or addition must conform to the following terms and conditions:
- (a) additions to manufactured homes must be set on a temporary foundation which allows for easy removal without affecting the original manufactured home;
 - (b) no part of the addition may be attached to the manufactured home or depend on the structure of the manufactured home for support;
 - (c) additions must not affect the structural integrity of the manufactured home;
 - (d) no plumbing may be installed in any additions to a manufactured home;
 - (e) all additions must have their own heating system and must not depend on the manufactured home heating system to maintain an interior temperature of 22 degrees Celsius during the winter heating season;
 - (f) all electrical connections must be made to allow for easy disconnection of the addition from the original manufactured home.

14. DEMOLITIONS

- 14.1 The demolition of any building requires a demolition permit.
- 14.2 An application for a demolition permit with respect to demolishing a building or structure must also include in addition to the requirements of sections 11.1 to 11.3:
- (a) a vacancy date;
 - (b) a hazardous materials assessment and remediation clearance letter for buildings constructed prior to 1992.
- 14.3 Prior to obtaining a permit to demolish a building or structure, the registered holder must pay all applicable fees set out in the scale of fees;
- 14.4 Security deposits for demolition permits shall be required at the discretion of the Building Official based on the size, complexity, and nature of the building or structure to be demolished as follows:
- (a) when a building or structure exceeds 93m² in building area; or
 - (b) when a building or structure exceeds 12.5m in height
- a security deposit shall be required in accordance with this Law.

- 14.5 The demolition of buildings and structures shall be in accordance with Part 8 of the Building Code "Safety Measures at Construction and Demolition Sites".
- 14.6 The following items shall be required at demolition sites to the satisfaction of the Building Official:
- (a) all construction materials and debris, including concrete foundations and septic/fuel tanks, are to be removed from site;
 - (b) all services and utilities are to be disconnected at the property lines;
 - (c) the site shall be left in a clean and tidy condition within 90 days from the date of the issuance of the demolition permit;
 - (d) should demolition not have commenced by the 90-day expiry date the Building Official may at their discretion cancel the permit by written notification;
 - (e) there shall be no refund for the demolition permit; and
 - (f) any request to extend the 90 day time limit shall be received 30 days prior to the date of expiry in writing from the registered holder or agent and approved in writing by the Building Official.

15. RETAINING WALLS AND GRADE

- 15.1 Without limiting section 4.3, no person may construct, or structurally repair, a retaining wall without a building permit.
- 15.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed on a parcel, unless restrained by a permitted retaining wall, must not have a surface slope exceeding:
- (a) a ratio of one linear unit vertically to two linear units horizontally for filled material; or
 - (b) a ratio of one linear unit vertically to one linear unit horizontally for excavated material.
- 15.3 Without limiting section 15.2, no person may occupy a building unless the finished grade complies with all applicable enactments, standards, or laws.
- 15.4 A registered professional shall undertake the design and conduct field reviews of the construction of a retaining wall:
- (a) greater than 1.2 m in height;
 - (b) where a sequence of walls are placed closer than 2 horizontal or 1 vertical;

- (c) where site drainage is impacted as determined by the WLFN Building Official;
or
- (d) where other geotechnical concerns exist as determined by the WLFN Building Official

15.5 If the Building Official determines that an unsafe condition exists as the result of the construction of a retaining wall requiring a building permit, a guard or fence may be required.

16. PRIVATE SWIMMING POOLS

16.1 No person shall construct a swimming pool on any parcel of land without first obtaining a building permit.

16.2 In addition to the requirements set out in sections 11.1 to 11.2, every application for construction of a swimming pool must be accompanied by:

- (a) a site plan showing:
 - (i) the location of the proposed swimming pool in relation to all existing buildings on the property and the property boundaries;
 - (ii) the location of the accessory building housing the swimming pool equipment in relation to all existing buildings on the premises and the property boundaries;
 - (iii) the water supply and proposed method of drainage;
- (b) the type of construction for the pool; and
- (c) the proposed method of fencing.

16.3 In accordance with section 9 of this law, professional design and field reviews may be required, subject to the complexity of the design and condition of soils where the pool is to be located.

16.4 A swimming pool, including a spa or hot tub, must be enclosed with a fence constructed without footholds or grips that children may use to climb into the enclosed area having a minimum height of 1.22 metres and no openings greater than 10 centimeters at their greatest dimension.

16.5 Where the access to the swimming pool is from a dwelling located on the same property as the swimming pool, the access may be directly from the dwelling.

16.6 The fence or equivalent barrier referred to in section 16.4 shall be of chain link type material, solid material with a flat vertical surface, or vertically oriented material.

16.7 A swimming pool fence or equivalent barrier shall be in place, inspected, and approved by the Building Official or his delegate prior to placing the water in the

swimming pool.

- 16.8 Access through a fence enclosing a swimming pool, spa or hot tub must be only through a self-closing and self-locking gate designed and constructed or installed as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming pool, spa, or hot tub side of the gate.
- 16.9 All openings or gates in the fence or barrier shall be locked closed when not in use.
- 16.10 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.
- 16.11 A swimming pool which is located above ground and has vertical sides of at least 1.22 metres may be protected from access by fencing the access ladder to limit access, with a child resistant self-closing and self-latching gate through the fence.
- 16.12 A person may not place water in, use, or occupy a swimming pool, including a spa or hot tub, unless the registered holder or occupier of the property on or in which a swimming pool, spa, or hot tub is located maintains every fence or cover required under sections 16.10 to 16.15 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks, or broken or binding members.

17. AWNINGS, CANOPIES AND MARQUEES

- 17.1 Any awning, canopy or marquee projecting over public property must:
 - (a) be designed by a registered professional;
 - (b) be supported entirely from the structure to which it is attached;
 - (c) consist of non-combustible or protected combustible material;
 - (d) not project over a lane or roadway where a sidewalk or curb does not exist;
 - (e) be not less than 2.5 metres above the sidewalk measured from the lowest point of the canopy to the highest elevation of sloping or level sidewalks, or adjacent ground level as the case may be;
 - (f) be not less than 1 metre away from the curb line of the sidewalk measured horizontally to an imaginary line extending vertically below the furthest projection of the canopy; and
 - (g) not interfere with standpipes, fire exits, traffic lights, traffic signs, traffic, pedestrians, utilities, or WLFN public works.
- 17.2 Every registered holder of an awning, canopy or marquee which is installed or erected over public property shall enter into an agreement with WLFN in the form acceptable to the Council to indemnify against and save WLFN harmless from any and all liability resulting from injury to persons or damage to property which results from the

presence, collapse, or failure of the awning, canopy, or marquee.

18. OTHER REQUIREMENTS

- 18.1 Council may, by resolution passed at a duly convened meeting, establish a schedule containing other requirements which complement and support this Law, and will post notice in the public area of the WLFN administration building and make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.
- 18.2 Council may, by resolution passed at a duly convened meeting, correct, revise or update the schedule containing other requirements. WLFN shall post notice of amendment to the schedule in the public area and will make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.

19. LIMITATION OF LIABILITY

- 19.1 The purpose of inspections under this Law is to satisfy Council that the requirements of this Law have been complied with, and no inspection report or decision will be construed as any assertion or warranty by WLFN, or any person acting for, on behalf of or under the authority of WLFN, to any person other than WLFN, as to any other matter whatsoever, including:
- (a) the compliance of the works inspected with the Building Code or any other code or standard;
 - (b) the safety of the works inspected;
 - (c) the quality of the design, workmanship or materials of the works inspected; or
 - (d) the sufficiency of the works inspected for any use.
- 19.2 Section 19.1 applies with the necessary changes to the issuance of an occupancy permit.

20. FEES AND FORMS

- 20.1 Council may, by resolution passed at a duly convened meeting, establish a schedule containing the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this Law, and will post notice in the public area of the WLFN administration building and make a copy available for viewing upon request and free of charge at the administrative offices of WLFN.
- 20.2 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this Law, and will post notice of same in a public area of the WLFN administration building and make a copy of same available for viewing free of charge at the administrative offices of WLFN and available for distribution at a nominal charge.

21. NOTICES & CHARGES AGAINST REGISTERED HOLDERS

- 21.1 Where WLFN is required to give notice to or imposes an additional cost or charge against the registered holder and two or more persons are shown as registered holders in respect of a parcel of land, then a notice given to, or a cost or charge imposed against one registered holder is not invalidated by the failure to give notice to or impose a charge against any other registered holder.

22. OFFENCES

- 22.1 No person shall obstruct, interfere with or hinder Council, the Building Official or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.
- 22.2 Any person who violates any of the provisions of this Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this Law, is guilty of an offence under this Law, and is liable to the penalties imposed by this Law.
- 22.3 Each day a violation of this Law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.
- 22.4 Any person who is guilty of an offence under this Law is liable, on summary conviction, to a fine of not more than One Thousand Dollars (\$1,000.00) or to a term of imprisonment not exceeding thirty (30) days, or both.

23. IMMUNITY

- 23.1 No action for damages lies or may be instituted against present or past Council, Building Official, or members, employees, servants or agents of either WLFN or Council:
- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
 - (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.
- 23.2 Section 23.1 does not provide a defence if:
- (a) Council, Building Official, members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
 - (b) the cause of action is libel or slander.
- 23.3 WLFN, present or past Council, or members, employees, servants or agents of any of

WLFN or Council is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other WLFN Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other WLFN Law.

23.4 All actions against WLFN for the unlawful doing of anything that:

- (a) is purported to have been done by WLFN under the powers conferred by this Law or any WLFN Law; and
- (b) might have been lawfully done by WLFN if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.

23.5 WLFN is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to WLFN within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action.

23.6 Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes:

- (a) there was reasonable excuse; and
- (b) WLFN has not been prejudiced in its defence by the failure or insufficiency.

24. APPLICATION OF LAW

24.1 Where any federal Act or regulation or provincial Act or regulation or any other WLFN Law may apply to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.

24.2 If a section, subsection, paragraph, subparagraph or phrase in this Law is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this Law.

24.3 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.

24.4 Unless otherwise noted, any specific statute named in this Law is a reference to a statute of British Columbia and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Law referred to herein is a

reference to a law of WLFN, as amended, revised, consolidated or replaced from time to time.

25. COMING INTO FORCE

- 25.1 This Law shall come into force and effect on the 1st of January, 2025, unless Council prior to this date determines by resolution to bring this Law into force and effect on an earlier or later date.

BE IT KNOWN that this law entitled, "WLFN Building Law 2024-03" is hereby:

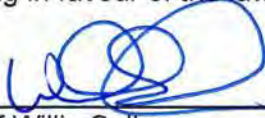
Read a first time by Council of Williams Lake First Nation at a duly convened meeting held on the 5th day of April, 2024;

Presented to the Membership at a Special Membership Meeting held on the 15th of May, 2024 and at a Special Membership Meeting held the 30th of July, 2024;

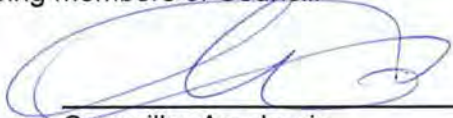
Read a second time by Council at a duly convened meeting held on the 13th day of June, 2024 and at a duly convened meeting held on the 12th day of August, 2024;

Read a third time and enacted by Council of Williams Lake First Nation at a duly convened meeting held on the 5th day of September, 2024.

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



Chief Willie Sellars

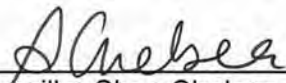


Councillor Ann Louie

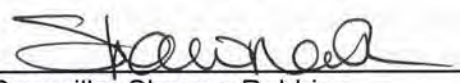


Councillor Chris Wycotte

Councillor Dancing Water Sandy



Councillor Shae Chelsea



Councillor Shawna Robbins

Schedule A – BUILDING PERMIT REQUIREMENTS

- 1.1 Prior to the issuance of a building permit, the registered holder must satisfy the following requirements or conditions:
- (a) if the parcel that is subject of the building permit application is not intended to be connected to the WLFN's sewage disposal system, the registered holder must apply for and obtain approval from WLFN and meet the requirements of the BC Public Health Act for an alternate private sewage disposal system;
 - (b) if the parcel that is subject of the building permit application is not intended to be connected to the WLFN's waterworks system, the registered holder must apply for and obtain approval from WLFN and meet all requirements for an alternate water supply system; and
 - (c) if the parcel that is the subject of the building permit application is not able to provide for a design for on-site storm management, the registered holder must apply for and obtain approval from WLFN.
- 1.2 An application for a building permit must:
- (a) be accompanied by the applicable fee as detailed in scale of fees;
 - (b) be made in the prescribed form prescribed by WLFN and signed by the registered holder, or a signing officer;
 - (c) be accompanied by the registered holder's acknowledgement of responsibility and undertaking in the prescribed form provided by WLFN and signed by the owner, or a signing officer;
 - (d) include a Building Code compliance summary including the applicable edition of the Building Code, such as without limitation whether the building is designed under Part 3 or Part 9 of the Building Code, major occupancy classification(s) of the building, building area, and building height, number of streets the building faces, and accessible entrances, work areas, washrooms, firewalls and facilities;
 - (e) include a copy of a survey plan by a Canada Lands Surveyor, except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
 - (f) include a construction fire safety plan, material staging and trucking route plan;
 - (g) include a site plan showing:
 - (i) the bearing and dimensions of the parcel taken from the registered plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the locations and dimensions of existing and proposed statutory rights

of way, covenant areas, easements, and setback requirements, adjacent streets and lane names;

- (iv) the location and dimensions of existing and proposed buildings or structures on the parcel;
- (v) setbacks to the natural boundary of any lake, swamp, pond, or watercourse;
- (vi) north arrow;
- (vii) if applicable, location of an existing or proposed private or other alternative sewage disposal system, water supply system, or storm water drainage system;
- (viii) zoning compliance summary;
- (ix) proposed and existing setbacks to property lines;
- (x) geodetic natural and finished grade at building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain foundation heights;
- (xi) first floor elevation based on geodetic datum;
- (xii) location, setbacks, and elevations of all retaining walls, steps, stairs, and decks;
- (xiii) line of upper floors;
- (xiv) location of existing and proposed service locations;
- (xv) access routes for firefighting;
- (xvi) accessible paths of travel from the street to the building;

except that the Building Official may waive, in whole or in part, the requirements for a site plan, if the permit is sought for the repair or alteration of an existing building or structure;

- (h) include floor plans showing the dimensions and uses and occupancy classification of all areas, including:
 - (i) the dimensions and height of crawl and roof spaces;
 - (ii) the location, size, and swing of doors;
 - (iii) the location, size, and opening of windows;
 - (iv) floor, wall, and ceiling finishes;

- (v) fire separations;
- (vi) plumbing fixtures;
- (vii) structural elements; and
- (viii) stair dimensions;
- (i) include a minimum of two cross-sections through the building or structure in sufficient detail and locations to illustrate foundations, drainage, ceiling heights, and construction systems, including thermal and building envelope assemblies;
- (j) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, natural and finished grades, spatial separations, and ridge height to comply with the Building Code and to illustrate that the building or structure conforms with WLFN Land Use Plan;
- (k) include all other requirements of Sections 2.2.1., 2.2.3., 2.2.4., 2.2.5., 2.2.6., and 2.2.9., Division C of the Building Code;
- (l) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal permits, highway access permits, and Ministry of Health approvals;
- (m) include letters of assurance in the form of Schedule A referred to in the Building Code, signed by the registered holder, or a signing officer, and the coordinating registered professional;
- (n) include letters of assurance in the form of Schedule B referred to in the Building Code, each signed by such registered professional as the Building Official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building;
- (o) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (l) of this section;
- (p) include fire flow calculations confirming adequate water supply for firefighting;
- (q) include illustrations of any slopes on the subject parcel that exceed 10%; and
- (r) include all documents required by WLFN's procedures, as amended from time to time.

1.3 In addition to the requirements set out in section 1.2 of this Schedule, the Building Official may require the following to be submitted with a permit application for the construction of a complex building if the complexity of the proposed building or structure or siting circumstances warrant:

- (a) site servicing drawings, including sufficient detail of off-site services to indicate at the property line, prepared and sealed by a registered professional;
- (b) a section through the site showing grades, buildings, structures, parking areas, and driveways; and
- (c) any other information required by the Building Official or the Building Code to establish substantial compliance with this Law, the Building Code, and other applicable enactments, standards, or Laws relating to the building or structure.

1.4 When an application is cancelled:

- (a) the application fee is forfeited to WLFN; and
- (b) the plans and related documents submitted with the application will be destroyed. The applicant will be notified that the application has been cancelled and will be given 30 days to retrieve plans and related documents

SCHEDULE B – PERMIT AND APPLICATION FEES

- 1.1 The valuation of construction set out in the application for a permit shall be the total current monetary worth of all construction or work related to the building or structure, and shall include:
 - (a) site preparation and civil work including excavation and the use of hoisting, pile driving, compaction, or erection devices;
 - (b) all design documents, labour, and fees involved in the design, investigative testing, consulting services, construction labour, and management, even if provided by the registered holder, or donated voluntarily by others, contractor's profits and overhead, sales taxes, and the construction insurance; and
 - (c) all mechanical, electrical, plumbing, drainage, and gas installations necessary for the carrying out of the construction in its completed form.
- 1.2 The Building Official may place a value on the construction or work for the purposes of determining the applicable permit fees by using an appropriate method from the "Marshall Valuation Services" publications with the updated "current cost multipliers," or such universal source of calculating valuation as the Building Official deems reasonable, practical, and expedient.
- 1.3 When work requiring a building permit is commenced or undertaken prior to the issuance of such building permit, the permit fee must be doubled, provided, however, that the amount of such increase must not exceed maximum amounts specified in scale of fees.
- 1.4 No fee or part of a fee paid to WLFN may be refunded if construction of the building has commenced.
- 1.5 The Building Official may approve a refund of an application fee or portion thereof only if plan checking has not commenced.
- 1.6 A building permit or other permit fee is not refundable after the permit has been extended under section 11.29.
- 1.7 If an issued building permit or other permit is active and the registered holder proposes modifications to the building design whereby the value of the work does not increase or the value of the work decreases, the registered holder must pay to WLFN a building permit fee based on the plan review rate set out in the scale of fees.

SCHEDULE C – INSPECTIONS

- 1.1 For all work in respect of simple buildings the registered holder must give 24 hours notice to WLFN when requesting an inspection and must obtain an inspection and receive the Building Official's written acceptance of the following aspects of the work prior to concealing them:
- (a) after demolition, the grading and removal from the site;
 - (b) footings, after preparation for footings are complete, prior to placement of concrete;
 - (c) foundation, after forms for foundation walls are completed, prior to placement of concrete;
 - (d) backfill, after damp-proofing and foundation drainage are in place, prior to backfilling;
 - (e) sanitary sewer service, after sewer line is in place and under test, prior to backfilling;
 - (f) domestic water service, after the water service lines are in place and water has been turned on, prior to backfilling;
 - (g) under-slab plumbing, prior to inspection under Section 10.33 (h), plumbing located below the finished slab level;
 - (h) under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of concrete foundation walls are in place, prior to covering;
 - (i) installation of rough-in plumbing, when complete and under test, prior to covering;
 - (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper, or exterior finishes which would conceal such work;
 - (k) insulation, air and vapour barrier, after all insulation and vapour barrier is in place, prior to any lath or other interior finish being applied which conceals the work;
 - (l) on-site constructed tubs or showers and tub or shower trap tests; and
 - (m) occupancy and final, after the health and safety aspects of the work and the conservation, GHG emissions reduction and accessibility aspects of the work when the building or structure is substantially complete, ready for occupancy but prior to occupancy.

- 1.2 Where required, additional inspections may be required in the followed cases:
- (a) retaining walls shall be inspected in accordance with section 15 of this Law;
 - (b) moving of buildings shall be inspected in accordance with the requirements of section 13 of this Law;
 - (c) swimming pools and fences shall be inspected upon completion and prior to filling the pool with water pursuant to section 16 of this Law;
 - (d) on-site services;
 - (e) awnings, canopies, or marquees shall be inspected in accordance pursuant to section 17 of this Law;
 - (f) manufactured home parks, campgrounds, and RV parks shall require inspection.
- 1.3 In addition to the fees required under other provisions of this law, the registered holder must pay the non-refundable fee set out in the scale of fees for:
- (a) a second and each subsequent re-inspection where it has been determined by the Building Official that due to non-compliance with the provisions of this Law or due to non-complying work, more than one visit is required for any required inspection;
 - (b) a special inspection during WLFN's normal business hours to establish the condition of a building, or is an inspection requires special arrangements because of time, location or construction techniques; and
 - (c) an inspection required under this Law which cannot be carried out during WLFN's normal business hours.

SCHEDULE D – OTHER REQUIREMENTS

1. SITE DRAINAGE AND GRADING

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

2. ROOF DRAINAGE

- 2.1 On any building which is the subject of a permit, the Building Official may direct that perimeter drains, rainwater 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.

3. SITE GRADES

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

4. PARKING AND SCREENING FOR COMMERCIAL BUILDINGS

- 4.1 All required parking, driveways and other areas on site utilized by vehicular traffic must be constructed and surfaced in accordance with the off-street parking and loading requirements contained in any WLFN Land Use Plan.
- 4.2 Traffic control curbs and/or bumper curbs must be effectively anchored in place.
- 4.3 Parking bumpers must be so placed that parked vehicles are prevented from encroaching on neighboring property or public property.
- 4.4 External storage, mechanical equipment or roof mounted equipment must be screened in a manner approved by the Building Official.

5. MAINTENANCE OF CONSTRUCTION SITES

- 5.1 Every construction site must be maintained free of loose or blowing debris and must be subject to a continuous and effective program of dust control during the various phases of construction. The Building Official may require, as a condition of issuance of the building permit, that security in a form acceptable to Council and in an amount acceptable to the Building Official be provided to guarantee compliance with this section. In the event the conditions contained herein are violated, the Building Official 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, WLFN may enter onto the site and take whatever actions are required to resolve the matter and charge the cost directly to the registered holder. The costs incurred will be due and payable upon notice served by WLFN upon the permit holder. Such charges will bear interest at 2% per month, compounded semi-annually and not in advance, within thirty (30) days of date of notice.

6. PROTECTION OF WLFN WORKS AND ADJACENT PROPERTIES

- 6.1 Where work is being done subject to a building permit under the provisions of this Law, WLFN works and property adjacent to the work must be protected and WLFN must be saved harmless from any damage or cost arising out of or incidental to the work.

7. FLOOD CONTROL REQUIREMENTS

- 7.1 No building shall be constructed:
- (a) with the elevation of the surface of the lowest floor (slab, crawlspace or basement) less than 30 centimeters above the overflow level of WLFN drainage system servicing the parcel, or as approved by the Building Official; or
 - (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 metres below the two-hundred-year flood level as determined from elevations provided by the provincial Ministry of the Environment.
- 7.2 Notwithstanding the provisions of section 10, it is the responsibility of the registered holder to ensure that the building will be safe from water action, whether caused by surface runoff or not.
- 7.3 Prior to the issuance of a building permit for any building or structure within a flood plain, the registered holder must enter into a covenant which must be registered in the WLFN Land Register and must run with the parcel of land.
- 7.4 Proof of registration of the following covenant language must be provided to the Building Official prior to issuance of the building permit.

"The registered holder agrees to save harmless WLFN 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."

8. GENERAL WORKMANSHIP

- 8.1 All work must at least conform to the rules and customs of good trade practice and must be performed by people familiar with the work, well equipped and adequately supervised and must comply with standards contained in or made pursuant to the Building Code and the provincial Electrical Safety Act, as amended from time to time.

9. SITE IDENTIFICATION

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

