



Taza Development Building Regulations Law, 2019 L.TDB.1904

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi dat'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasala.

A Document to Ratify the Taza Development Building Regulations Law, 2019

Within the Tsuut'ina First Nation Lands, Alberta, Canada

**Enacted on [Month, Day of 20--] in Tsuut'ina Nation
Coming Into Force: [Month, Day, Year]**

Preamble

WHEREAS the Tsuut'ina Nation Chief and Council desire to make a Law governing Taza Development Building Regulation on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

NOW THEREFORE: the Tsuut'ina Citizens hereby enact this Law through the Tsuut'ina Legislative Process and give authority to Chief and Council to ratify this Law:

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Interpretation and Administration

Name

1. This Law may be cited as the *Taza Development Building Regulations Law, 2019*.

Purpose

2. The purpose of this Law is to provide the means to guide the construction of Buildings and Structures within the Lands in a safe, economical manner.
3. This Law is generally consistent with the provisions of the following instruments that except designations by Tsuut'ina Nation Citizens of portions of the Tsuut'ina Indian Reserve No. 145 for economic development purposes, as endorsed by Chief and Council:
 - (a) Order-in-Council dated January 8, 1993, and
 - (b) Ministerial Order dated May 20, 2015;as have been amended from time to time.

Applicability

4. This Law applies:
 - (a) to the design and construction of a building when the building, or part thereof, is constructed on a parcel of land or as a factory-built unit or component;
 - (b) to the work involved in the demolition when the whole or any part of a building is demolished or removed;
 - (c) to all parts of the building when the whole or any part of a building is moved, either within or onto the Taza Designated Lands;
 - (d) to any alteration and to any part of a building affected by alterations to an extent which, in the opinion of the Building Inspector, reduces the levels of public health and safety below the levels existing prior to the alteration;
 - (e) to all such replacements and alterations when materials and equipment regulated are replaced or altered in a building;
 - (f) to any part remaining when a building is demolished to an extent of more than 75% of its value above its foundations as determined by the Building Inspector;
 - (g) to site grading and/or asphalt or other permanent surfacing, which will affect the drainage characteristics of the parcel.

Application of Law

5. Where any Federal Act or Regulation or Provincial Act or Regulation or any other Law passed by Chief and Council 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.

6. If any Section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid Section or Subsection will be severed from and not affect the remaining provisions of this Law.

Prohibitions

7. No person shall fail to comply with any order or notice issued by the Building Inspector.
8. No person shall work or authorize or allow work to proceed on a project for which a building permit is required unless a valid building permit has been issued by the Building Inspector.
9. No person shall deviate from the approved plans and specifications forming part of the building permit or omit or fail to complete work required by the said plans and specifications without first having obtained approval in writing from the Building Inspector to do so.
10. No person shall occupy or allow the occupancy of any building, or part thereof, unless the sublease holder has obtained an Occupancy Certificate from the Building Inspector in the form contemplated by this Law.
11. No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation, or occupancy of a building shall cause, allow or maintain any unsafe condition.
12. No person shall excavate or undertake work on, over or under community lands or erect or place any construction or work or store any materials thereon, without approval having first been obtained from the Building Inspector.
13. No person shall submit false or misleading information to the Building Inspector.
14. No person shall interfere with or obstruct the entry of the Building Inspector acting in the administration or enforcement of this Law.
15. No person shall excavate, or fill any building site in the absence of a valid or subsisting building permit.
16. No person shall continue construction beyond the foundation stage until:
 - (a) in the opinion of the Building Inspector an acceptable level of fire protection has been provided; and
 - (b) a survey sketch prepared by a registered Canada Land Surveyor has been received and approved by the Building Inspector.

Metric Measurement

17. All regulation measurements shall be made in metric.

Definitions

18. In this Law, the following terms have the following meanings:
- (a) "Agent" means a person, firm, or corporation representing the sublease 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.
 - (b) "Applicant" means a person, or a representative, who makes an application for a Building Permit.
 - (c) "Architect" means a Person who is registered or licensed in good standing to practice as an Architect under the *Architects Act* (Alberta).
 - (d) "Approved" means approved in writing.
 - (e) "Building" means any Structure used or intended for supporting or sheltering any use or Occupancy.
 - (f) "*Building Code*" means the *National Building Code* at the time of construction, unless a Provincial or Tsuut'ina Nation Code or Law or part thereof provides a more stringent standard, in which case, that Code or Law or part thereof shall apply.
 - (g) "Building Inspector" means a Nation Official who enforces and carries the provisions of this Law and includes any delegate.
 - (h) "Building Permit" means an acceptance or approval made under the *Tsuut'ina Nation Building Law*, authorizing the Construction of a Building or Structure.
 - (i) "Chief" means the Chief of the Tsuut'ina Nation duly elected or holding office and sworn into office in good standing.
 - (j) "Construction" means any erection, repair, alteration, enlargement, addition, demolition, removal or excavation.
 - (k) "Coordinating Registered Professional" means the Registered Professional that shall coordinate the design work and field review of the other Registered Professionals required for a project.
 - (l) "Council" means the duly elected Chief and Councilors of the Tsuut'ina Nation and holding office and sworn into office in good standing.
 - (m) "Demolition Permit" means the form of permit established by Council, from time to time, and when signed by the Building Inspector it will be the authority for a person to demolish a building.
 - (n) "Development Appeal Board" means the board established under Section 228 of the *Taza Development Approval Process Law*.
 - (o) "Engineer" means a Person registered or licensed in good standing to practice as a professional engineer under the Association of Professional Engineers and Geoscientists of Alberta (APEGA).

- (p) "Inspection Notice" means the form of notice established by the Nation, from time to time, and when signed by the Building Inspector will serve as notice that he intends to inspect the works indicated thereon.
- (q) "Inspection Report" means the form of report established by Council, from time to time, and when signed by the Building Inspector serves as the record of his approval or disapproval of any work and includes any recommendations by the Building Inspector regarding any work.
- (r) "Law" means this *Taza Development Building Regulations Law, 2019*.
- (s) "Manager, Civic Services" means the person holding that position, or the successor to that position for the Tsuut'ina Nation from time to time.
- (t) "Nation" means the Tsuut'ina Indian Reserve No. 145.
- (u) "Nation Official" includes the Council, members of Chief and Council, the Development Authority, and other officials, officers and employees of the Tsuut'ina Nation.
- (v) "Occupancy" means the use or intended use of a Building or part of a Building for the shelter or support of Persons, animals or property.
- (w) "Occupancy Certificate" means an acceptance or approval made under this Law, authorizing the Occupancy of a Building or Structure or part of a Building or Structure.
- (x) "Officer" has the same meaning as a Peace Officer within the *Tsuut'ina Nation Offences Procedures Bylaw, 1998*, as may be amended from time to time.
- (y) "Partnership" means the Tsuut'ina Land Development Limited Partnership or its General Partner, Tsuut'ina Land Development GP Inc. (or their successors and assigns).
- (z) "Person" means an individual, corporation, body corporate, Partnership, joint venture, association, society or unincorporated organization or any trustee, executor, administrator or other legal representative.
- (aa) "Quality Management Plan" means a document in which how the Nation provide services relating to building regulation disciplines and extent of safety services that will be provided for the Taza development.
- (bb) "Registered Professional" means:
 - (a) a person who is licensed to practice as an architect under the *Architects Act (Alberta)*, or
 - (b) a person who is licensed to practice as a professional engineer under the *Engineering and Geoscience Professionals Act (Alberta)*.
- (cc) "Retaining Wall" means a wall constructed of concrete, steel, wood, stone, masonry, brick, concrete block, or combination thereof, designed so as to support, confine, contain, retain, or keep in place earth material.
- (dd) "Scale of Fees" means the schedule of fees established by Council, from time to time, which sets the fees applicable to any work.

- (ee) “Sublease Holder” means a person that has entered into a Sublease agreement with the Partnership.
- (ff) “Stop Order” means the form of notice, when signed by the Building Inspector orders the stoppage of work on the work stated thereon.
- (gg) “Structure” means any construction fixed to, supported by, or sunk into land or water including a manufactured home or mobile home, but shall not include concrete, asphalt, brick, or tile surfaced areas.
- (hh) “*Taza Development Guidelines*” means the *Taza Development Guidelines, 2018*, as may be amended from time to time.
- (ii) “Temporary Building” means a Building that does not have its exterior walls supported on continuous concrete or masonry foundations or walls but shall not include manufactured housing or mobile home.
- (jj) “*Tsuut’ina Nation Offences Procedure Bylaw*” means the *Tsuut’ina Nation Offences Procedures Bylaw, 1998*, as may be amended from time to time.
- (kk) “Use” means the purpose for which any Lot, Building or Structure is designed, arranged or intended or for which it is occupied or maintained.
- (ll) “Work” means any construction, erection, repair, alteration, enlargement, addition, demolition, removal, or excavation.

Sublease Holder's Duties and Responsibilities

Sublease Holder's (or their Agent) Duties and Responsibilities

19. A Sublease Holder shall allow the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering and enforcing this Law or any other applicable Law enacted by Chief and Council or any other applicable construction-related Federal or Provincial Act or Regulation.
20. A Sublease Holder shall obtain all permits and approvals required in connection with proposed work, prior to commencing such work.
21. A Sublease Holder shall ensure that plans and specifications on which a permit is based are continuously available at the work site during working hours.
22. A Sublease Holder shall notify the Building Inspector of the date of commencement of work on a building site.
23. Where work has commenced on a building site, a Sublease Holder, upon discovery of archeological artifacts or remains shall cease construction immediately and notify the Nation, so proper exhumation may be conducted in accordance with the Nation's Protocol and Process Involved in the Relocation of Remains and Artifacts.
24. Every Sublease Holder shall give 48 hours' notice to the Building Inspector:
 - (a) of intent to do work that has been ordered inspected during construction;
 - (b) of intent to cover work that has been ordered to be inspected prior to covering;
 - (c) when work has been completed so that a final inspection can be made; and
 - (d) at certain stages of construction, as detailed within the Quality Management Plan, listed as Schedule "A" of this Law.
25. Every Sublease Holder shall give notice to the Building Inspector of an intent to occupy or allow occupancy of a building or portion of a building.
26. Every Sublease Holder shall make or have made at its expense tests or inspections necessary to prove compliance with this Law and shall file copies of test results and inspection reports with the Building Inspector.
27. Every Sublease Holder when required by the Building Inspector shall uncover and replace at its own expense any work that has been covered contrary to an order issued by the Building Inspector.
28. Every Sublease Holder shall ensure that all work will be confined within the boundaries of the parcel of land on which the work is, or is to be located.
29. Every Sublease Public Holder is responsible for the cost to repair any damage to public realm lands or works that may occur as a result of undertaking work for which a permit was required under this Law.

30. Every Sublease Holder shall obtain an Occupancy Certificate from the Building Inspector prior to any occupancy of a Building or part thereof after construction, partial demolition, or alteration of that Building.
31. Every Sublease Holder when required by the Building Inspector, shall provide, in a form satisfactory to the Building Inspector, evidence to certify compliance with the requirements of this Law and of any permits required.
32. Every Sublease Holder, when a Building or part thereof is in an unsafe condition, shall forthwith take all action necessary to put the building in a safe condition.
33. Every Sublease Holder is responsible, when making application for a building permit, for the verification of the existence and location of any utility services required for the subject permit.

Coordinating Registered Professionals

34. A Registered Professional acting in the role of Coordinating Registered Professional shall coordinate the design work and field review of the other Registered Professionals required for a project in order to ensure the design will comply with the *Building Code* and that construction will substantially comply with the *Building Code*.
35. The Building Inspector may require evidence that the Coordinating Registered Professional shall provide evidence to the Building Inspector is covered by professional liability insurance.
36. The Building Inspector shall notify the project owner or Sublease Holder that an existing Coordinating Registered Professional be replaced where the existing Coordinating Registered Professional:
 - (a) is found guilty of related unprofessional conduct with respect to the *Architects' Act* or the *Engineers' and Geoscientists' Act*, as applicable;
 - (b) fails, when required by the Building Inspector, to demonstrate a satisfactory familiarity with the current provisions of the *Building Code*;
 - (c) ceases to be a Registered Professional;
 - (d) knowingly submits to the Building Inspector a document which is in any material way inaccurate or misleading;
 - (e) fails to disclose to the Building Inspector substantial deviation, changes or violations of the requirements of design, construction, or inspection in respect of building or structure for which he/she is the Registered Professional; or
 - (f) fails to perform any duties or obligations required by this Law.

37. A Coordinating Registered Professional shall:
- (a) along with the project owner, sign and seal (or cause to have other Registered Professionals sign and seal) all relevant Building Code schedules and letters of assurance for design and field review;
 - (b) forthwith advise the Building Inspector if he/she has ceased to be retained, or of the date upon which he/she will cease to be retained by the project owner or Sublease Holder;
 - (c) provide to the Building Inspector, prior to occupancy of the project, a letter of "Assurance of Certified Professional Field Review and Compliance" (Schedule C of the Building Code); and
 - (d) provide to the Building Inspector, prior to occupancy of the project, a set of record drawings sealed by each sublease professional involved along with a written letter of Assurance of the Certified Professional that no significant changes in the project's design or construction occurred other than those that had been approved by the Building Inspector.
38. Nothing contained herein, nor will the acceptance by the Building Inspector of any Letter of Assurance, nor the issuance of a building permit or Occupancy Certificate relieve the sublease holder, Certified Professional or sublease professional from compliance with the *Building Code* and any and all Laws passed by Chief and Council. The Building Inspector may enforce all provisions of such Laws, by the issuance of stop work orders, injunctions, prosecution or other such means as are available at Law or in equity.
39. Where the Building Inspector accepts any Certification of Compliance or any Letter of Assurance of a Coordinating Registered Professional neither the Nation nor the Building Inspector, nor any other Nation employee shall be liable for any loss, damage or expense caused or contributed to because a building in respect of which a certificate is issued is unsafe or does not comply with the *Building Code*, a Law passed by Chief and Council or any other applicable Federal or Provincial Act, Regulation, Code or Law.

Building Inspector

Quality Management Plan

40. The Nation shall maintain a Quality Management Plan as part of reviewing and enforcing building regulations for the Taza designated lands, appended to this Law as Schedule “A”.
41. The Quality Management Plan shall consist of technical discipline service standards for the following safety code disciplines:
 - (a) Building;
 - (b) Electrical;
 - (c) Natural Gas; and
 - (d) Plumbing.
42. The Quality Management Plan shall detail:
 - (a) Roles and responsibilities of the Nation for the review of applications for building projects;
 - (b) The reviewing and inspection agency (agencies) that shall review permit applications on behalf of the Nation;
 - (c) Minimum expectations for compliance monitoring by Registered Professionals; and
 - (d) The minimum number of inspections required and at what stage of the construction process they are to occur.

Building Inspector’s Responsibilities

43. The Building Inspector shall be a Nation Official, but may contract some or all of review and inspection responsibilities and services to other companies or agencies on behalf of the Nation.
44. The Building Inspector is responsible for the administration and enforcement of this Law.
45. The Building Inspector shall keep 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.
46. The Building Inspector shall:
 - (a) issue such notices or orders as may be required to inform the sublease holder where a contravention of this Law has been observed;
 - (b) issue an order to the Sublease Holder to correct any unsafe condition observed in any building.
47. The Building Inspector, when issuing a Stop Order as provided for in Section 121, of this Law, shall post such notice in a conspicuous location on the construction site, in the presence of the permit holder or the permit holder's agent.
48. The Building Inspector, when requested to do so, shall within a reasonable time, provide reasons for refusal to grant a permit.

49. The Building Inspector shall 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.
50. The Building Inspector shall issue a permit when, to the best of his knowledge, the conditions set forth in this Law or any other applicable Law enacted by Chief and Council or any other applicable construction related Federal or Provincial Act or Regulation have been met.
51. The Building Inspector shall issue an Occupancy Certificate 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 Law enacted by Chief and Council, or any other applicable construction related Federal or Provincial Act or Regulation.
52. The Building Inspector shall carry proper credentials and produce them for inspection upon request.

Powers of the Building Inspector

53. The Building Inspector may enter any building or premises at any reasonable time for the purpose of administering or enforcing this or any other applicable Law enacted by Chief and Council.
54. The Building Inspector 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 Law enacted by Chief and Council; and
 - (f) the termination of any occupancy if any unsafe condition is deemed to exist because of work undertaken or not completed.
55. The Building Inspector may direct that sufficient evidence or proof be submitted at the expense of the sublease holder to determine whether a material, device, construction method, assembly, construction or foundation condition meets the requirements of this Law.
56. The Building Inspector may require any Sublease Holder to submit an up to date plan of survey by a registered Canada Land Surveyor, which plan shall 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 Law enacted by Chief and Council 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.

57. The Building Inspector may require any plans and/or specifications submitted to bear the seal and signature of a member of the Architectural Institute of Alberta or the Association of Professional Engineers of Alberta before it is accepted, if in the opinion of the Building Inspector:
 - (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.
58. The Building Inspector may further require that all phases of the construction are reviewed, inspected and certified on completion by the architect or engineer over their respective, official seals and signatures.
59. The Building Inspector may issue, solely at the risk of the lease or sublease 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 Inspector that the work to be done will comply with all requirements of the Building Code and of this Law or any other applicable Law enacted by Chief and Council, 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 Inspector is satisfied the remainder of the building or complex will comply with all other applicable Law enacted by Chief and Council, or any other applicable construction related Federal or Provincial Act or Regulation.
60. 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.
61. The Building Inspector may refuse to issue a permit:
 - (a) if in his opinion, information submitted is inadequate to ensure compliance with this or any other applicable Law, Act or Regulation;
 - (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 applicable Law or Regulation enacted by Chief and Council.

62. The Building Inspector may revoke a permit:
- (a) if there is a contravention of any condition under which the permit was issued;
 - (b) that was issued in error;
 - (c) that was issued on the basis of incorrect information;
 - (d) for violation of any provision of the Building Code.
- The revocation shall be in writing and transmitted to the permit holder by registered mail.
63. The Building Inspector, upon receipt of a request for inspection detailed in Section 24 shall provide the inspection within a time period not less than 48 hours and not exceeding 5 business days.
64. The Building Inspector may, for the purpose of determining permit fees, place a value on the work to be carried out, where no cost estimate is available, or the Building Inspector is not satisfied with the value submitted with the permit application.
65. The Building Inspector 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 sublease holder and if the sublease 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.
66. The Building Inspector may, when immediate measures shall be taken to correct an imminent danger of fire or risk of accident, take appropriate action, without notice and at the expense of the Sublease Holder and the cost for so doing may be added to the current year's property taxes or rent, as the case may be.
67. The Building Inspector may, before issuing an Occupancy Certificate, require the Sublease Holder to provide certification that the requirements of this Law and other applicable Laws have been complied with.
68. The Building Inspector may issue, in the case of single or two-family dwellings only, where weather conditions have prevented the completion of exterior work, a temporary Occupancy Certificate, 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.
69. The Building Inspector, in order to prevent unnecessary delay, may, prior to issuing a building permit, grant permission, subject to such conditions as deemed prudent, for a sublease holder to excavate or fill on a proposed building site.

70. The Building Inspector, prior to issuing a building permit, or during the course of construction, is empowered to impose such conditions as deemed reasonable to protect neighboring lots.

Building Permit Applications

General Application

68. A Building Permit is required whenever work regulated by this Law is to be undertaken.
69. An Occupancy Certificate is required to allow the occupancy of a building or part thereof.

Building Permit Applications

70. To obtain a Building Permit, the Sublease Holder (or their Agent) shall submit a completed Application.
71. Every Application shall be accompanied by the applicable fee as detailed in the *Fees and Charges Law, 2019*.
72. Every Application shall:
 - (a) identify and describe in detail the work and occupancy to be covered by the permit;
 - (b) describe the parcel of land on which the work is to be done, by a description that will readily locate and identify the building lot;
 - (c) include plans and specifications, and show the occupancy of all parts of the building;
 - (d) indicate the proposed siting of all buildings on the parcel, including front and rear yard set-backs, and side yard set-backs (a minimum of 4 feet from the property line to the face of the building), which shall be approved on a site by site basis;
 - (e) state the valuation of the proposed work;
 - (f) state the names, addresses and telephone number of the sublease holder, architect, engineer or other designer and constructor.
73. Sufficient information shall be filed with each Application to enable the Building Inspector to determine whether the proposed work:
 - (a) may affect neighboring parcels; or
 - (b) will conform with this Law or any other applicable Tsuut'ina Law or any other applicable Federal or Provincial Act or Regulation.
74. Sufficient information shall be filed with each Application to enable the Building Inspector to determine whether the proposed work:
 - (a) may affect neighboring lots; or
 - (b) shall conform with this Law or any other applicable Law enacted by Chief and Council, or any other applicable Federal or Provincial Act or Regulation.
75. Plans shall be drawn to scale and shall be clear and durable, suitable for microfilm reproduction, and shall indicate the nature and extent of the work or proposed occupancy in sufficient detail that when completed, the work and proposed occupancy will conform to this Law and other applicable Tsuut'ina Laws or any other applicable construction related Federal or Provincial Act or Regulation.

76. Site plans shall be referenced to the current Sublease Holder's legal survey for the subject parcel and shall show:
 - (a) by dimensions from property lines, the location of the proposed building, or buildings;
 - (b) means of access and egress to service the property;
 - (c) the similarly dimensioned location of any other existing building or buildings on the site;
 - (d) existing and finished ground levels to an established datum;
 - (e) all easements and rights of way whether sublease or not.
77. The Building Inspector 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.
78. When work requiring a Building Permit is commenced or undertaken prior to the issuance of such building permit, the permit fee shall be doubled, provided, however, that the amount of such increase shall not exceed maximum amounts specified on the scale of fees.
79. Within six (6) months of a building permit having been issued, should the Sublease Holder make written Application to cancel the building permit, provided no construction has taken place, the Building Inspector may refund the permit fee less the greater of \$40.00 or 25% or the original permit fee.
80. No Occupancy Certificate shall be issued until utility services for the subject property are completed to the approval of the Building Inspector and all appropriate connection fees or other construction costs have been paid.
81. The word "temporary", as used in this Subsection, shall mean a period not exceeding twelve (12) months. A person desiring to erect a temporary Building or Structure shall make application for a building permit therefore, in writing, to the Building Inspector. The Application shall be accompanied by:
 - (a) plans showing the location of the building on the site and construction details of the building;
 - (b) a statement of the intended use and duration of the use; and
 - (c) a bond, certified cheque or irrevocable letter of credit issued by a chartered bank, sufficient, in the opinion of the Building Inspector, but in any event not less than \$2,000.00 in value, to guarantee that the Building will be removed from the site within the time limit indicated.
82. 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.

83. Construction shall be commenced within one hundred eighty (180) days of the issue of a building permit, and shall be completed to final inspection stage within twelve (12) months or the building permit will be deemed invalid. The Building Inspector may grant a renewal permit for a further twelve (12) period if satisfied that construction is progressing in accordance with the approved plans at a reasonable rate of progress. A permit renewal fee shall be levied in accordance with the approved fee schedule.
84. Every Building, Structure or tenant space shall be the subject of a separate Building Permit and shall be assessed a separate building permit fee in accordance with approved fee schedule.

Appeals

85. A decision of the Building Inspector, subject to Section 54, may be appealed to the Development Appeal Board.
86. An appeal against a decision of the Building Inspector may be submitted to the Manager, Civic Services by any person who:
 - (a) has applied under the provisions of this Law for a permit which has not been granted;
 - (b) has had a permit revoked; or
 - (c) feels adversely affected by a decision of the Building Inspector.
87. The appellant shall file with the Manager, Civic Services a statement in writing in such detail as will enable the Manager, Civic Services to properly consider the appeal, setting out:
 - (a) the address of the Building affected by the appeal;
 - (b) the Sections of this Law affected by the appeal, and
 - (c) the grounds for appeal.
88. The Development Appeal Board may either concur with, reverse or modify the decision of the Building Inspector and shall render its decision within ten (10) days of receipt of the written appeal.
89. The Decision of the Development Appeal Board shall be considered final and not subject to further appeal.

General Regulations

Relocation of Buildings

90. The moving of a building from one property to another within the Taza designated lands or into the Taza designated lands requires a Building Permit.
91. Every Application to move a Building shall identify the existing site of the building and the proposed site to which the Building is to be moved.
92. No Building Permit to move a Building shall be issued until the time, manner and route of the move has been approved by the Building Inspector, the Director, Public Works, and other agencies as deemed necessary by the Director, Public Works.
93. No Building Permit to move a Building shall be issued until evidence is submitted to the Building Inspector to certify that all services to the Building have been disconnected and sealed if and as required.
94. No building shall be moved to another site within the Taza designated lands unless in the opinion of the Building Inspector it conforms or is made to conform to the architectural standards and applicable Building Codes in the vicinity of the proposed new site and to the requirements of this Law.
95. Every Application to relocate a building shall be accompanied by security 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 shall be acceptable to the Building Inspector, but in no case will the amount of the security be less than \$5,000.00.
96. Should a building which has been relocated subject to the provisions of Section 95 not be completed to occupancy stage within one (1) year from the date of issuance of the building permit, the Building Inspector may draw upon the security required under the subject section and take whatever action is necessary to effect completion of the building.

Demolition

97. The demolition of any Building requires a Demolition Permit.
98. Every person making application for a Demolition Permit to demolish a building shall, as part of his Application, provide the Building Inspector with satisfactory evidence that:
 - (a) no unsafe condition will be created or permitted;
 - (b) all utility services to the Building have been disconnected and all such disconnections have been approved by the appropriate authority.
99. Before issuing a Demolition Permit to demolish any building, the Building Inspector may demand that security be provided in a form satisfactory to Council to ensure that the site of the demolition will be left in a safe, neat condition, free from debris or dust, and compatible with neighboring properties. The amount of the security shall be equal to the estimated cost of site restoration, in the event that the site is not properly restored to a standard satisfactory to the Building Inspector for the purpose of restoring the site.

100. Prior to issuing a Demolition Permit to demolish any building, the Building Inspector may impose such conditions as seem to him reasonable to protect the public.

Maintenance of Construction Sites

101. Every construction site shall be maintained free of loose or blowing debris and shall be subject to a continuous and effective program of dust control during the various phases of construction.
102. The Building Inspector may require, as a condition of issuance of the Building Permit, a security in a form acceptable to the Nation and in an amount acceptable to the Building Inspector be provided to guarantee compliance with this Section.
103. In the event the conditions contained herein are violated, the Building Inspector may draw upon the security for the purpose of effecting adequate maintenance of the site. In the event the forfeited security is not sufficient to provide continuous maintenance of dust and debris until construction is finalized, the Building Inspector may enter onto the site and take whatever actions are required to resolve the matter, and charge the cost directly to the Sublease Holder.
104. The costs incurred will be due and payable upon notice served by the Building Inspector 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.

Protection of Taza Works and Adjacent Lots

105. Where work is being done subject to a building permit under the provisions of this Law, public realm works and lands subject to lease that are adjacent to the work shall be protected and the Nation shall be saved harmless from any damage or cost arising out of or incidental to the work.

General Workmanship

106. All work shall at least conform to the rules and customs of good trade practice and shall be performed by people familiar with the work, well equipped and adequately supervised and shall comply with standards contained in or made pursuant to the *Building Code* and the applicable Federal and Provincial Laws and Regulations.

Retaining Walls

107. All retaining walls in excess of 1.2 metres in height shall be designed and constructed in accordance with good engineering practice.

Site Identification

108. For the purpose of identification, and as a condition of Occupancy, every parcel of land containing a Building subject to an active permit under this Law shall display the street address of the site by means of clear and legible numbers.

Canopies and Marquees

109. Any canopy or marquee projecting into the public realm shall:
- (a) be designed by a Registered Professional;
 - (b) be supported entirely from the structure to which it is attached;

- (c) be capable of bearing a live load of not less than one point nine kilopascals (1.9kPa);
- (d) consist of non-combustible or protected combustible material;
- (e) not project over a lane or a roadway where a sidewalk or curb does not exist;
- (f) be not less than 2.5 metres above the sidewalk;
- (g) be not less than 1.0 metre from the curb line of the sidewalk; and
- (h) not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic, utilities or Taza public realm installations.

110. All canopies and marquees containing sign copy shall otherwise comply with the provisions of the Taza Development Guidelines.

Awnings

111. Any awning projecting into the public realm shall:

- (a) Have the support structure designed by a Registered Professional;
- (b) be constructed on a metal frame supported entirely from the structure to which it is attached;
- (c) be not less than 2.2 metres above the sidewalk if located greater than 1.5 metres from the curb line of the sidewalk or not less than 2.5 metres above the sidewalk is located less than 1.5 metres from the curb line of the sidewalk;
- (d) be not less than 1 metre from the curb line of the sidewalk;
- (e) not project over a lane or a roadway where a sidewalk or curb does not exist; and
- (f) not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic, utilities or Taza public realm installations.

112. Every owner of an awning which is installed or erected within the public realm shall enter into an agreement with the Nation, to indemnify against and save the Nation 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.

113. All awnings containing sign copy shall otherwise comply with the provisions of the Taza Development Guidelines.

Limitation of Liability

114. 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 the Nation, or any person acting for, on behalf of or under the authority of the Nation, to any person other than the Nation, 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.

115. Section 114 applies with the necessary changes to the issuance of an Occupancy Certificate.

Compliance and Enforcement

General Offences

116. Any person who contravenes any provision of this Law by doing any act or thing which the person is prohibited from doing or by failing to do any act or thing the person is required to do is guilty of an offence.
117. No person shall obstruct, interfere with or hinder Council, the Building Inspector or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.
118. 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.
119. 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.
120. Any person who is convicted of an offence pursuant to this Law is liable on summary conviction to a fine not exceeding ten-thousand per day of the offence and in default of payment of any fine imposed, to a period of imprisonment not exceeding six months.

Stop Orders

121. The Building Inspector shall enforce this Law in accordance with the *Development Approval Process Law*.
122. The recipient of a Stop Order shall have recourse to appeal in accordance with the *Development Approvals Procedures Law*.

Immunity

123. No action for damages lies or may be instituted against present or past Nation Officials:
 - (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.
124. Section 123 does not provide a defense if:
 - (a) Council, Building Inspector, 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 willful misconduct; or
 - (b) the cause of action is libel or slander.

125. Nation Officials are 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 Law passed by Chief and Council, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Law passed by Chief and Council.
126. All actions against the Nation for the unlawful doing of anything that:
- (a) is purported to have been done by the Nation under the powers conferred by this Law or any Law passed by Chief and Council; and
 - (b) might have been lawfully done by the Nation if acting in the manner established by Law;
 - (c) shall 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.
127. The Nation 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 the Nation, 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. 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) the Nation has not been prejudiced in its defense by the failure or insufficiency.

Amendments to this Law

Amendments

128. Amendments to this Law shall be made through the *Tsuut'ina Legislative Process Act*, as may be amended from time to time.

Schedule 'A' – Quality Management Plan

Technical Discipline Service Delivery Standards

Construction of any improvements or alterations on the lands must comply with Laws as those terms are defined in the Head Lease and with the *National Building Code* at the time of construction, unless a Provincial of *Tsuut'ina Nation Code or Law* or part thereof provides a more stringent standard, in which case, that Code or Law of part thereof shall apply.

Building Permits

The Tsuut'ina Nation will, **prior** to permit issuance:

- obtain construction documents including plans and specifications as outlined in the *Building Code*,
- obtain any letters or schedules required to be provided by the *Building Code*,
- conduct a preliminary review of the construction documents to determine if professional involvement is required or if there are any potentially significant code compliance issues,
- review applicable information on land conditions e.g. Sub strata, soil conditions, water table,
- obtain documents with the seal and signature of a registered architect and/or professional engineer(s), when required by the *Building Code*,

Construction Document Review

The Tsuut'ina Nation will, not more than 15 days after permit issuance:

- complete a review of the construction documents in accordance with the requirements of the Building Code,
- prepare a Plans Review Report,
- provide the Plans Review Report to the permit applicant and/or the contractor, and the Tsuut'ina Nation's file and if requested, to the owner, project consultant, architect, or consulting engineers, and
- provide one set of the examined construction documents to the permit applicant for retention and review at the project site, and retain one set on the Tsuut'ina Nation's file.

The Tsuut'ina Nation will, prior to construction, alteration or demolition operations, obtain in writing, a fire safety plan for the project site.

Compliance Monitoring on Projects requiring Professional Involvement

The Tsuut'ina Nation will:

- collect and maintain on file, required schedules, and/or a letter(s) of compliance from the professional architect or engineer when a part(s) of the building requires a professional architect or engineer, and
- collect and maintain on file all schedules and letters of compliance required in accordance with the Building Code when the registered professional architect and/or engineer involvement is required for the work covered under a permit.

Building Site-Inspections

A Building SCO will conduct site inspections at the stages indicated in the following tables:

Site Inspection Stages, Part 3 or Part 9 Buildings

Type Of Project	Major Occupancy	Minimum # of Inspections	Inspection Stages
Alteration, addition, renovation, reconstruction, change in occupancy, minor work (with a value of not more than \$50,000)	All	1	<ul style="list-style-type: none"> ○ at any stage OR ○ within 1 year of permit issuance
New Construction OR Alteration, addition, renovation, reconstruction, change of occupancy (value of work more than \$50,000 and less than \$200,000)	All	2	<ul style="list-style-type: none"> ○ interim inspection at approximately the mid-term of the work AND ○ final within 2 years of permit issuance
New Construction OR Alteration, addition, renovation, reconstruction, change of occupancy (value of work more than \$200,000)	All	3	<ul style="list-style-type: none"> ○ *foundation OR ○ *framing, structure OR ○ *HVAC rough-in OR ○ *fire suppression systems OR ○ *fire alarm system OR ○ *HVAC completion OR ○ Interior Partitioning OR ○ Medical Gas rough in AND ○ *final within 2 years of permit issuance <p>* NOTE: Any of these site inspections may be combined when it's reasonable to do so, and if site conditions permit.</p>
Demolition	All	1	<ul style="list-style-type: none"> ○ at any stage within 1 year of permit issuance

Electrical Permits

Electrical Permits will be issued by Superior Safety Codes.

Construction Document Review

A SCO and/or a permit issuer may, as a condition of the permit, require the permit applicant to submit construction documents (including plans and specifications) describing the work for any proposed electrical installation.

Electrical Site-Inspections

An Electrical SCO will conduct site inspections at the stages indicated in the following table:

Site Inspections for Electrical Installations

Type of Project	Minimum # of Inspections	Inspection Stages
Public Institutions, Commercial, Industrial, Multi-Family Residential (with value of work over \$10,000)	2	<ul style="list-style-type: none"> ○ rough-in inspection (prior to cover-up) AND ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Public Institutions, Commercial, Industrial, Multi-Family Residential (with value of work \$10,000 or less)	1	<ul style="list-style-type: none"> ○ rough in inspection or final inspection, within 1 year of permit issuance
Single Family Residential or Farm Buildings (with value of work over \$2,500)	2	<ul style="list-style-type: none"> ○ completed rough-in inspection (prior to cover-up) AND ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Single Family Residential or Farm Buildings (with value of work \$2,500 or less)	1	<ul style="list-style-type: none"> ○ final inspection, within 180 days of completed work

Plumbing Permits

Plumbing Permits will be issued by Superior Safety Codes.

Construction Document Review

A SCO and/or a permit issuer may, as a condition of the permit, require the permit applicant to submit construction documents including plans and specifications describing the work for any proposed plumbing installation.

Plumbing Site-Inspections

A Plumbing SCO will conduct site inspections at the stages indicated in the following table:

Site Inspections for Plumbing Installations

Installation Type	Minimum # of Inspections	Plumbing Installation Stage
Public Institutions, Commercial, Industrial, Multi-Family Residential (with more than 5 fixtures)	2	<ul style="list-style-type: none"> ○ rough-in below grade prior to covering OR ○ rough-in above grade prior to covering AND ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Public Institutions, Commercial, Industrial, Multi-Family Residential (with 5 fixtures or less)	1	<ul style="list-style-type: none"> ○ rough-in below grade prior to covering OR ○ rough-in above grade prior to covering OR ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Single Family Residential or Farm Buildings new construction (or alteration, addition, or renovation with more than 5 fixtures)	2	<ul style="list-style-type: none"> ○ completed rough-in below grade OR ○ completed rough-in above grade prior to covering (within 180 days of permit issuance) AND ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Single Family Residential or Farm Building alteration, addition, or renovation (with 5 fixtures or less)	1	<ul style="list-style-type: none"> ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance

Gas Permits

Gas Permits will be issued by Superior Safety Codes.

Gas Site-Inspections

A Gas SCO will conduct site inspections at the stages indicated in the following table:

Site Inspections for Gas Installations.

Installation Type	Minimum # of Inspections	Gas Installation Stages
Public Institutions, Commercial, Industrial, Multi-Family Residential	2	<ul style="list-style-type: none"> ○ rough-in AND ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Single Family Residential or Farm Buildings	1	<ul style="list-style-type: none"> ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Single Family Residential accessory buildings, or any use alteration, addition, renovation, or reconstruction	1	<ul style="list-style-type: none"> ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance
Temporary Heat Installations (under separate permit), temporary services	1	<ul style="list-style-type: none"> ○ final inspection at substantial completion of work described on the permit within 2 years of permit issuance

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Appendix

Chief and Council Signatory Page

THIS LAW IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this [] day of [Month, Year] by Nation Council Resolution.

Voting in favour of the Taza Development Building Regulations Law, 2019, as evidenced by signatures, are the following members of the Chief and Council:

Chief Lee Crowchild

Councillor Leon Littlelight

Councillor Andy Onespot Sr.

Councillor Regena Crowchild

Councillor Brent Dodginghorse

Councillor LeeRoy Meguinis

Councillor Lyle Dodginghorse

Councillor Stanley Big Plume

Councillor Darryl Whitney

Councillor Kelsey Big Plume

Councillor Vincent Crowchild

Councillor Ellery Starlight

Councillor Darrell Crowchild