

CHIPPEWAS OF RAMA MNJIKANING FIRST NATION
Being a band within the meaning of the *Indian Act*

RAMA MNJIKANING FIRST NATION

LAND USE AND DEVELOPMENT BY-LAW No. 06-01 as amended

Being a By-law to regulate the use and development
of land and the character and use of buildings on
the Rama Mnjikaning First Nation Reserve No. 32

Whereas Paragraphs (f), (g), (h), (i), (1), (n), (q), and (r) of Section 81 of the Indian Act empower the Council of a band to make By-Laws respecting the use and development of land and the imposition of a penalty for the violation thereof;

And whereas Section 87 of the Indian Act exempts the property of a band and its members in reserve lands and other property from provincial and federal taxation;

And whereas it is deemed to be necessary to control residential, commercial and industrial development for the benefit, safety and welfare of the inhabitants of the Mnjikaning First Nation Reserve;

And whereas it is recognized that By-Laws 79-10 as amended, 95-21, and 95-22 should be updated and consolidated by this By-Law to reflect the current circumstances of the Mnjikaning First Nation;

And whereas it is recognized that the operation of Casino Rama commenced on the Mnjikaning First Nation Reserve No. 32 on July 31, 1996 and has continued since that date;

And whereas it is recognized that the development and operation of Casino Rama are governed by, among other things, the Amended and Restated Development and Operating Agreement, originally dated March 18, 1996 and amended April 15, 1996 and June 12, 2000 ("DOA");

And whereas under Sections 3.1(a), 3.3 and 3.4 of the DOA, CHC Casinos Canada Ltd. ("the Operator") is retained and appointed by Mnjikaning First Nation, among other things, to operate and maintain Casino Rama in accordance with Operating Policies approved by Mnjikaning First Nation thereunder;

And whereas the Operator has had, and will continue to have, occasion to apply for building permits with respect to Casino Rama;

And whereas in that regard Mnjikaning First Nation and the Operator jointly developed and agreed upon a Building Department Permit Process Outline dated February 1, 2001 which recognized Mnjikaning First Nation as the owner of the capital assets comprising the Casino Rama Complex and provided for a clear, efficient and proper process to be followed with respect to these applications;

And whereas it is desirable that that process be formally recognized and adopted in the terms of this By-Law;

And whereas it has also been recognized that Casino Rama provides community services to Mnjikaning First Nation, its members, and the Mnjikaning First Nation

Reserve No. 32 in terms of income and employment, so as to qualify for exemption from provincial and federal sales taxes, and;

And whereas it is desirable to maintain such exemption in order, both to comply with the policies and directions reaffirmed by Mnjikaning First Nation in B.C.R. 112, and to realize the founding objectives of Casino Rama in maximizing the revenues available to Ontario First Nations from its operation;

Now therefore the Council of the Chippewas of Mnjikaning First Nation hereby enact this By-Law to amend By-Laws 79-10, 95-21 and 95-22 as follows:

SECTION 1 - TITLE

- 1.1 This By-Law shall be known as the Mnjikaning First Nation Land Use and Development By-Law, as amended.

SECTION 2 - DEFINITIONS

- 2.1 "Accessory", when used to describe a use, building or structure, shall mean a use or a detached building or structure, that is naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and located on the same site therewith.
- 2.2 "Agricultural Use", shall mean the use of land, building or structures for the purpose of growing of field crops, flower gardening, truck gardening, berry crops, tree crops, nurseries, aviaries, apiaries, or farms for the grazing, breeding, raising, boarding or training of livestock or poultry on the same lot.
- 2.3 "Attached", shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.
- 2.4 "Band Council", shall mean the Chief and Council of the Rama Mnjikaning First Nation elected pursuant to Section 74 of the Indian Act.
- 2.5 "Building", shall mean a structure, whether temporary or permanent, which consists of at least a roof and main walls.
- 2.5.1 "Main", shall mean the building employing the purposes for which the lot was purchased, leased or rented.
- 2.6 "Casino Rama" shall mean the Casino Rama Complex, including the Hotel Component and Entertainment Centre Component, built on the Mnjikaning First Nation Reserve, No. 32, as those terms are defined and used in the DOA.
- 2.7 "Chief Building Official", shall mean the Chief Building Official of the Rama Mnjikaning First Nation, or if there is no Chief Building Official, the First Nation Manager
- 2.8 "Commercial Use", shall mean the use of any land, structure or building for the purposes of offices or retail buying or selling of commodities but shall not include use for warehousing, wholesaling, manufacturing or assembling of goods.

- 2.9 "DOA" shall mean the Amended and Restated Development and Operating Agreement originally dated March 18, 1996 and amended as of April 15, 1996 and June 12, 2000 between Chippewas of Mnjikaning First Nation, the Ontario Lottery and Gaming Corporation and CHC Casinos Canada Ltd.
- 2.10 "Dwelling", shall mean a building occupied or capable of being occupied throughout all seasons of the year as a home or residence by one or more persons.
- 2.11 "Dwelling, Single Family", shall mean a building accommodating not more than one dwelling unit, for the use of one family only.
- 2.12 "Erect", shall mean (with reference to a building or structure) to build, alter, construct or reconstruct, and the removal of any structure, from one lot and relocation of it on another lot, and any physical operation, such as excavating, filling or draining preparatory to building construction or reconstruction.
- 2.13 "Existing", shall mean existing, as at the date of enactment of this By-Law.
- 2.14 "First Nation Manager", shall mean the First Nation Manager of Rama Mnjikaning First Nation.
- 2.15 "Floor Area", shall mean the sum total area of a floor or floors in the building on a lot measured from the exterior walls or from the centre line of the common walls separating two buildings, but not including the floor areas of basements, attached garages, sheds, open porches or verandas.
- 2.16 "Forestry Uses", shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.
- 2.17 "Frontage", shall mean the width of a site between the side lines of a site measured along a line at right angles to the centre line of the site and at the minimum distance from the front of the site permitted for the erection of buildings by this By-Law.
- 2.18 "Herein", shall mean in this By-Law and shall not be limited to any particular section of the By-Law.
- 2.19 "Home Occupation", shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of a dwelling provided the dwelling is the private residence of the person carrying on the occupation, trade business, profession or craft.
- 2.20 "Industrial Use", shall mean any establishment involved primarily in processing or manufacturing activities, and so defined shall include transportation, wholesaling, storage and shipping activities.
- 2.21 "Institutional Use", shall mean any organized body or society involved primarily in providing for non-commercial purpose a particular object.
- 2.22 "Landscaping", shall mean the planting of grass and/or sod, for the purpose of improving the amenities of a development.

- 2.23 "Lot", means any parcel of land, right of way or easement, whether such parcel, right of way or easement is described in a registered deed or shown on a registered plan of subdivision.
- 2.24 "Lot Area", shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered with water or marsh.
- 2.25 "Lot Frontage", shall mean the horizontal distance between the side lot lines measured at right angles but where such lot lines are not parallel, the frontage shall be the distance between the side lot lines measured along the building line.
- 2.26 "Lot Line", means any boundary line of a lot.
- 2.27 "Lot Line, Front", shall mean the lot line that divides the lot from a street, provided that in the case of a corner lot, the shorter of the two lot lines that abut a street shall be deemed to be the front lot line and the longer lot line that so abuts shall be termed the flankage of the lot.
- 2.28 "Lot Line, Rear", shall mean the lot line opposite the front lot line.
- 2.29 "Lot Line, Side", shall mean any lot lines other than the front lot line and the rear lot line.
- 2.30 "Main Building", means the building in which is carried on the principal purpose for which the building lot is used and in a residential zone the dwelling is the main building.
- 2.31 "Mobile Home", shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn and is capable of being used for living, sleeping and eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.
- 2.32 "NBC", shall mean the 2005 National Building Code of Canada, and any of its subsequent amendments.
- 2.33 "OBC", shall mean the 1997 Ontario Building Code, and any of its subsequent amendments; but shall not mean the Ontario *Building Code Act*, 1992, or any of its subsequent amendments.
- 2.34 "Obnoxious Use" means uses which are obnoxious or offensive by reason of their emission of odour, smoke, dust, noise, gas, fumes, vibrations, or refuse matter.
- 2.35 "Outside Storage", shall mean storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof.
- 2.36 "Person", shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation.
- 2.37 "Reserve", means the lands contained within the Mnjikaning First Nation Reserve No. 32, which are vested in Her Majesty and have been set apart by Her Majesty for the use and benefit of Mnjikaning First Nation.

- 2.38 "Residential Use", shall mean any use of a dwelling for living, sleeping and eating accommodation of persons.
- 2.39 "Site", shall mean a parcel of land or several connected parcels of land used or occupied, or to be used or occupied for a permitted use, or a building and accessory buildings and the area belonging to such buildings.
- 2.40 "Serviced Lot", shall mean Lots to which water, sanitary sewer and/or electrical service is provided.
- 2.41 "Site Area", shall mean the total horizontal area within the limits of the site.
- 2.42 "Trade, Dangerous", shall mean the manufacturing and/or storage of coal, oil, kerosene, petroleum, fuel oil, burning fluids, naphtha, benzol, benzene, gasoline, dynamite, nitro-glycerine, gunpowder, or other combustible, inflammable, or dangerous liquid or material, except where used in a subsidiary way for the manufacture of other industrial products.
- 2.43 "Trade, Obnoxious", means industries which are obnoxious or offensive by reason of their emission of odour, smoke, dust, noise, gas, fumes, vibrations or refuse matter, and shall include offensive trades.
- 2.44 "Yard, means an open, uncovered space between a main building and a lot line.
- 2.44.1 "Yard, Front", means the space between the front lot line, and the nearest wall of any Main Building or structure, and extending the full width of the lot.
- 2.44.2 "Yard, Side", means the space between the side lot line, and the nearest wall of any main building or structure, and extending from the front yard to the rear yard. In the case of a corner lot, the side yard on the street side of the said corner lot is referred to as the exterior side yard.
- 2.44.3 "Yard, Rear", means the space between the rear lot line, and the nearest wall of any main building or structure, and extending the full width of the lot.
- 2.45 "Zone", means a designated area of land use, shown on Schedule "A" of this By-Law.
- 2.46 A copy of the said Schedule "A" shall made available for inspection by the public on request, at the Building Department offices on the Reserve during its regular business hours; and shall be maintained by the Building Department or an alternate department as designated by the Band Council. The Designated Land Use Area Map prepared as Schedule "A" to By-Law 79-10 shall be, and it is hereby, adopted and confirmed as the said Schedule "A" to this By-Law, and the said Schedule "A" shall only be amended by means of an amendment to this By-Law.

SECTION 3 - GENERAL PROVISIONS

- 3.1 This By-Law applies to all of the Reserve, the boundaries of which are shown on Schedule "A" to this By-Law. AREA
- 3.2 The Minister of Indian Affairs and Northern Development is hereby requested to: MINISTER
CONSENT
- (a) authorize a survey;
- (b) make any subdivision of Reserve lands
- (c) approve any lease, or the construction or repair of any building, or the establishment of a use;
- only where the survey or the subdivision or the lease or the construction, repair use complies with this By-Law.
- 3.3 For the purpose of this By-Law, the Reserve is divided into the following Zones as designated on Schedule "A" of this By-Law. ZONES
- | ZONE | ZONE | SYMBOL |
|------------------------------|------|--------|
| Residential Zone | | R |
| Commercial Zone | | C |
| Industrial Zone | | I |
| Rural Zone | | RU |
| Institutional Zone | | IS |
| Commercial / Recreation Zone | | CR |
- 3.4 No person shall use any land or erect or use any building except as permitted in this By-Law in the Zone in which the land or building is located and then only after meeting the requirements of the said Zone and all other applicable laws and By-Laws. CONFORMATION
AND PERMITS
REQUIRED
- 3.5 Nothing in this By-Law shall affect the continuance of uses which were established prior to the enactment of this By-Law. CONTINUATION
OF USE
- 3.6 No buildings shall be moved to another location on Reserve unless every portion of the building satisfies all the requirements of the Zone in which it is to be located and a permit has been obtained from the Chief Building Official. BUILDING
TO BE MOVED
- 3.7 No person shall be permitted to erect any building in any front yard in any Zone within the Reserve. This prohibition does not include attached garages which are permitted in residential zones. BUILDING IN
FRONT YARD
PROHIBITION
- 3.8 Hook up to the Sanitary Sewer system is mandatory on all Serviced Lots developed after March 17, 2006. MANDATORY
HOOK UP TO

- | | | |
|------|--|--|
| 3.9 | All previously existing septic systems may be either decommissioned by the septic system owner at the owner's own request to Band Council or when the septic system is no longer viable or needs to be replaced, whichever is sooner. | SANITARY
SEWER |
| 3.10 | The installation, alteration, decommissioning or removal of any septic system requires a permit from Health Canada; a copy of the Health Canada permit and all documentation pertaining to the permit must be provided to the Building Department prior to commencement of any work. | |
| 3.11 | The removal or decommissioning of septic tanks or systems may be required as a condition of a building permit for new construction or revised land use of a property. | JUNK SALVAGE
WRECKING
STOCK YARD |
| 3.12 | <p>No person shall operate a scrap metal, junk or automobile wrecking yard, salvage or stock yard unless precautions satisfactory to the First Nation Manager have been taken or will be taken.</p> <p>In general, where land is used for the storage of scrap metal, junk or for an automobile wrecking yard, salvage or stock yard, the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) the whole of the storage and wrecking operation shall be surrounded by a solid fence, not less than 8 feet in height, unpierced except for gates necessary for access. (ii) the said fence shall be located not closer than 20 feet from the front lot line, nor closer than 10 feet from side and rear lot lines, and the land between the fence and the lot lines not required for entrance and exit driveways shall be used for no other purposes than landscaping. | |
| 3.13 | Notwithstanding any other provisions of the By-Law no outside storage shall be permitted in any front yard or in any exterior side yard in any Zone within the Reserve. | OUTSIDE
STORAGE
PROHIBITION |
| 3.14 | No person shall use any land or erect or use any building for any dangerous trade unless precautions satisfactory to the Band Council have been taken or will be taken to ensure that no danger to health or dangers from fire or explosions will occur, which precautions may include work or works necessary to prevent any contamination as described in <i>The</i> | DANGEROUS
TRADES
PROHIBITION |

Environmental Protection Act, Ontario 1971, or The Canadian Environmental Protection Act, and any of their subsequent amendments, whichever is more stringent.

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|------|---|-----------------------|
| 3.15 | Unless precautions satisfactory to the Band Council have been taken or will be taken to ensure that no danger to health will occur, no persons shall use land or erect or use any building for any business, trade or calling in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas vibration or noise. | PROHIBITION ON
USE |
| 3.16 | An applicant may apply to Band Council for a variance to sections 3.7, 4.2.1, 4.8 or 4.11 of this By-Law by providing a written request to Band Council for a variance with accompanying supporting documents in relation to the request. | VARIANCE |
| 3.17 | Band Council's decision on an application for a variance as set out in section 3.16 of this By-Law is final and binding with no right of appeal. | NO RIGHT OF
APPEAL |

SECTION 4 - RESIDENTIAL ZONE

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|-------|--|-----------------------------|------------------------|----------|-----|---------------------|----------|-----|--------------------|--------------------|-----|-----------------|--|--|----------------|---------|--|----------------|--------|--|--------------------------|--------|--|----------------|---------|-----|------------------------|-----------------|-----|--------------------------------|--|--|
| 4.1 | <p>Permitted Uses</p> <p>Single Family Detached Dwellings
Home Occupations (on approval)
Accessory Uses</p> <p>On approval only, on application to the Band Council:
Single Family Semi-Detached Dwellings
Single Family Townhouse Dwellings</p> | RESIDENTIAL
USES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.2 | Requirements | RESIDENTIAL
REQUIREMENTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.2.1 | <table border="0"> <tr> <td style="padding-right: 10px;">(a)</td> <td style="padding-right: 20px;">Lot Frontage (Minimum)</td> <td>100 Feet</td> </tr> <tr> <td style="padding-right: 10px;">(b)</td> <td style="padding-right: 20px;">Lot Depth (Minimum)</td> <td>200 Feet</td> </tr> <tr> <td style="padding-right: 10px;">(c)</td> <td style="padding-right: 20px;">Lot Size (Minimum)</td> <td>20,000 Square Feet</td> </tr> <tr> <td style="padding-right: 10px;">(d)</td> <td style="padding-right: 20px;">Yards (Minimum)</td> <td></td> </tr> <tr> <td style="padding-right: 10px;"></td> <td style="padding-right: 20px;">(i) front yard</td> <td>50 Feet</td> </tr> <tr> <td style="padding-right: 10px;"></td> <td style="padding-right: 20px;">(ii) side yard</td> <td>5 Feet</td> </tr> <tr> <td style="padding-right: 10px;"></td> <td style="padding-right: 20px;">(iii) exterior side yard</td> <td>5 Feet</td> </tr> <tr> <td style="padding-right: 10px;"></td> <td style="padding-right: 20px;">(iv) rear yard</td> <td>50 Feet</td> </tr> <tr> <td style="padding-right: 10px;">(e)</td> <td style="padding-right: 20px;">Floor Area (Minimum)</td> <td>800 Square Feet</td> </tr> <tr> <td style="padding-right: 10px;">(f)</td> <td style="padding-right: 20px;">Basements – Basements shall be</td> <td></td> </tr> </table> | (a) | Lot Frontage (Minimum) | 100 Feet | (b) | Lot Depth (Minimum) | 200 Feet | (c) | Lot Size (Minimum) | 20,000 Square Feet | (d) | Yards (Minimum) | | | (i) front yard | 50 Feet | | (ii) side yard | 5 Feet | | (iii) exterior side yard | 5 Feet | | (iv) rear yard | 50 Feet | (e) | Floor Area (Minimum) | 800 Square Feet | (f) | Basements – Basements shall be | | |
| (a) | Lot Frontage (Minimum) | 100 Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (b) | Lot Depth (Minimum) | 200 Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (c) | Lot Size (Minimum) | 20,000 Square Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (d) | Yards (Minimum) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (i) front yard | 50 Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (ii) side yard | 5 Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (iii) exterior side yard | 5 Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (iv) rear yard | 50 Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (e) | Floor Area (Minimum) | 800 Square Feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (f) | Basements – Basements shall be | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

prohibited where unsuitable ground water table conditions exist.

- (g) Building Height (Maximum) 35 Feet
- (h) Maximum Lot Coverage 45%

(percentage of total Buildings to total Lot Size)

- 4.2.2 All residential construction on the Reserve shall conform to the requirements of the NBC.
- 4.2.3 All residential construction on the Reserve shall require a building permit from the Building Department and shall be approved by The Chief Building Official.
- 4.3 All residential lots shall be Landscaped. Planted trees must be set back 10 feet from the Lot Line and any right of way to avoid interference with neighbours and services. LANDSCAPING
- 4.4 Noxious weeds and excessive growth of other weeds and grass which is out of character with the surrounding environment shall be cut and maintained in a reasonable condition in relation to the neighbouring environment. Residential yards shall be kept clear of dead, decayed or damaged standing trees and all objects and conditions that might create a health, fire or accident hazard.
- 4.5 No person shall be permitted to build more than one dwelling unit on the same residential lot. NUMBER OF DWELLINGS
- 4.6 Notwithstanding any other provisions of this By-Law the minimum distance between buildings, one of which is a dwelling unit on the same residential lot, shall be 8 feet. This requirement applies to detached garages but excludes garages attached to buildings. DISTANCE BETWEEN BUILDING
- 4.7 No person shall be permitted to erect a shed, private garage, or any other ancillary building less than 5 feet from a Lot Line. ACCESSORY BUILDINGS
- 4.8 There shall be a maximum of 2 accessory buildings per Lot; the maximum height of which shall not exceed 16 Feet.
- 4.9 Mobile homes shall only be permitted in an area designated by the Band Council as a mobile home park. MOBILE HOME PROHIBITION
- 4.10 Notwithstanding any other provisions of this By-Law, JUNK VEHICLE

no person shall be permitted to keep junk (inoperative) vehicles on his property. An inoperative vehicle means any unlicensed vehicle with missing parts or deterioration that prevents its mechanical function. This includes commercial and industrial vehicles and equipment, snowmobiles, motorcycles, all terrain vehicles, trailers, and boats.

PROHIBITION

- 4.11 In a Residential Zone, no person shall carry on a Home Occupation except with the Band Council's approval, and in conformance with the requirements of a Residential Zone.

HOME
OCCUPATION

SECTION 5 - COMMERCIAL ZONE

5.1 Permitted Uses

Gaming and Entertainment Facilities
Parking
Retail Stores
Personal Service Stores such as Shoe Repair
Taxi and Limousine Services
Laundromats
Restaurants
Automobile Service Stations
Living Accommodations when within or attached to the same structure as the commercial use.

5.2 Requirements

- 5.2.1 (a) Front Yard (Minimum) 100 Feet
(b) Side Yard (Minimum) 100 Feet
(c) Side Yard (Minimum) 30 Feet
corner lot or abutting residential zone
(d) Rear Yard (Minimum) 50 Feet
corner lot or abutting residential zone
(e) Building Height (Maximum) 35 Feet

- 5.3 No person shall operate a commercial establishment without an operation license issued by the First Nation Manager. Where necessary, a subsequent amendment to Schedule "A" of this By-Law, to establish an additional Commercial Zone, must then be passed by the Band Council.

LICENSING AND
CONFORMING

- 5.4 Where a Commercial Zone abuts a Residential Zone there shall be within the Commercial Zone and adjacent to the abutting Lot Lines a strip of land not less than 10 feet in width which shall be used for Landscaping.

LANDSCAPING
ADJACENT
RESIDENTIAL
ZONES

- 5.5 In a Commercial Zone, no person shall erect or use a building for residential purposes except in conformance with the minimum floor area requirements of the Residential Zone and the Yard Requirements of the Commercial Zone.

RESIDENTIAL
REQUIREMENTS

SECTION 6 - INDUSTRIAL ZONE

6.1 Permitted Uses

Any industrial use approved by the Band Council.

6.2 Requirements

To be determined by the Band Council on a case by case basis. In general, industries must conform to all pertinent provincial and federal regulations.

SECTION 7 - RURAL ZONE

7.1 Permitted Uses

Agricultural Uses
Forestry Uses
Associated Single Family Detached
Dwellings

7.2 Requirements

To be determined by the Band Council on a case by case basis. In general, rural uses and establishments must conform to all pertinent provincial and federal regulations.

SECTION 8 - INSTITUTIONAL ZONE

8.1 Permitted Uses

Schools
Churches
Day Care Centres
Band Buildings
Community Centres
Recreational Centres
Cemeteries
Parkland
Public Works
Police, Fire and Ambulance
Water & Wastewater Plants

8.2 Requirements

Any institutional use approved by the Band Council.

SECTION 9 - COMMERCIAL RECREATIONAL ZONE

9.1 Permitted Uses

Marinas
Parks
Tent and Trailer Parks
Accessory Uses

9.2 Requirements

- 9.2.1 All commercial recreation establishments must specifically conform to Section 5 of this By-Law which refers to commercial zones.
- 9.2.3 To be determined by the Band Council on a case by case basis. In general, all commercial recreation establishments must conform to pertinent provincial and federal regulations / requirements.

SECTION 10 - BUILDING PERMITS

10.1 Issuance of Building Permits

- 10.1.1 The Chief Building Official shall issue all building permits, in accordance with applications received and the provisions of this By-Law.
- 10.1.2 The Chief Building Official shall follow the process set out in Building Permit Review Process which is set out in Section 10.5 of this By-Law. The Chief Building Official may make whatever additional inquiries or may seek whatever additional technical or legal advice he or she requires in order to properly assess compliance with the technical and legal requirements for each building permit application.
- 10.1.3 The Chief Building Official shall report to Council all permits issued and all acts done pertaining to this By-Law.
- 10.1.4 All building permit applications shall be submitted in the "Building Permit Application" form attached as Schedule "B" to this By-Law.

10.2 Prohibition

No building shall be erected, constructed, added to or placed on any parcel of land or site unless and until a building permit for such work has been obtained from the Chief Building Official.

10.3 Technical Requirements

- 10.3.1 No building permit shall be issued for the erection, addition to, or alteration of any building that contravenes any of the provisions of this By-Law, or any Act of the Government of Canada.
- 10.3.2 The installation and use of any sewage and waste water disposal system must be in accordance with the Health Canada requirements or Part VIII of the OBC, whichever is more stringent.
- 10.3.3 All buildings constructed must be in accordance with the NBC, except in the case of Casino Rama which shall apply the more stringent of the NBC or the OBC.
- 10.3.4 To further clarify, no building permit shall be issued for the erection, addition to, or alteration of Casino Rama or any part thereof that contravenes any of the provisions of this By-Law, or that contravenes the OBC or the NBC, whichever of the two codes is more stringent.

10.4 Legal Requirements

- 10.4.1 Before issuing a building permit the Chief Building Official shall ensure that the applicant has obtained in writing the approval of Health Canada for the water supply and sewage disposal system proposed for the building for which a permit is applied.
- 10.4.2 Before issuing a building permit to a non-resident applicant, the Chief Building Official shall ensure that the applicant has obtained in writing the authorization of the registered property owner to make the application, and in the case of an application with respect to Casino Rama, the authorization shall be that of Mnjikaning First Nation Chief and Council.

10.5 Permit Application Process

- 10.5.1 All applications for a building permit shall be made on the form attached as Schedule "B" to this By-Law.
- 10.5.2 A filing fee of \$50.00 shall accompany the application. The cost of the filing fee will cover the costs of inspection services.
- 10.5.3 A permit application is required to be completed by

the owner, applicant or his/her designate (architect, engineer, or contractor) with a description of the proposed construction and submitted to the Mnjikaning First Nation Building Department. The applicant is also required to submit two full copies of construction drawings and specifications, drawn to the appropriate scale, based on an actual survey showing the true shape and dimensions of the Lot to be used, or upon which it is proposed to erect any building or structure and showing the proposed location and dimensions of the building or work for which the permit is applied. In addition the plan shall also show the location of every building already erected on or partly on the lot in question. The application and plans must be provided to the Building Department for review. One copy of the plans will be returned to the applicant upon issuance of the building permit. A Building Permit Application shall be made in the form attached as Schedule "B" to this By-Law.

- 10.5.4 The owner/applicant in regard to all non-residential construction applications is required to submit to the Building Department a letter of undertaking which states that the subject construction will be designed and reviewed by an architect, professional engineer or both. Applications in regard to residential construction may be required to provide such a letter of undertaking.
- 10.5.5 The design professional is required to submit to the Building Department a certificate stating that they have been retained by the owner/applicant to undertake the general review of the subject construction in accordance with the applicable technical requirements referred to in Section 10.3 of this By-Law and in accordance with the NBC, and in the case of Casino Rama, in accordance with Section 2.3 of the OBC or Section 2.3 of the NBC, whichever is more restrictive.
- 10.5.6 A statement of design form is required to be completed by the design professional (architect and/or engineer) which will classify the building based on size and occupancy in accordance with Subsection 3.2.2 of the NBC, and in the case of Casino Rama, in accordance with Subsection 3.2.2 of the OBC or Subsection 3.2.2 of the NBC, whichever is more restrictive.
- 10.5.7 Two full sets of construction drawings for the proposed construction shall be submitted to the Building Department and bear the seal of the design architect and other professional disciplines for review by the Building Department prior to the issuance of the building permit.

10.6

Processing and Review of Applications

- 10.6.1 Upon receipt of a complete application for a building permit, the Building Department shall review the application for compliance with the technical requirements outlined in Section 10.3 of this By-Law, and with the legal requirements set out in Section 10.4 of this By-Law.
- 10.6.2 The Chief Building Official may issue a decision which sets out the areas of deficiency in a permit application in order to assist the permit applicant in remedying the deficiencies in its building permit application.
- 10.6.3 Following the issuance of a building permit, and before issuance of an occupancy permit by the Building Department, the Building Department shall be entitled to attend at the premises and conduct one or more inspections, as required by the Chief Building Official, to ensure that the construction complies with the requirements of this By-Law, including any technical requirements under Section 10.3 hereof.

10.7

Appointment of Non-Resident Applicant

- 10.7.1 Where an application is made by a non-resident applicant in respect of a property that requires the authorization of Mnjikaning First Nation Chief and Council in accordance with Section 10.4.2 of this By-Law, the permit shall provide, in addition to the terms prescribed in the form attached as Schedule "C" to this By-Law, that the applicant and any contractors providing goods or services to the project authorized by the permit are appointed to act and to contract for or provide the said goods or services as agents on behalf and for the benefit of Mnjikaning First Nation, as owner, in the form attached as Schedule "D" to this By-Law.
- 10.7.2 Where an application is made by a non-resident applicant in respect of a property that requires the authorization of any resident member of Mnjikaning First Nation in accordance with Section 10.4.2 of this By-Law, the letter of authorization in respect of the application may request that the permit make provision, in addition to the terms prescribed in the form attached as Schedule "C" to this By-Law, that the applicant and any contractors providing goods or services to the project authorized by the permit be appointed to act and to contract for or provide the said goods or services as agents on behalf and for the benefit of the owner, in the form attached as Schedule "D" to this By-Law.

SECTION 11 - ENFORCEMENT AND ADMINISTRATION

AVAILABILITY OF BY-LAW

- 11.1 The First Nation Manager shall maintain the original of this By-Law in an up-to-date manner, including all amendments, and have these documents available for examination in his or her office on the Reserve, during normal office hours.

AMENDMENTS

- 11.2 While all the regulations contained herein become legally in force on the enactment of this By-Law, the Band Council may, whenever the public necessity, convenience or general welfare requires, and after a careful consideration, amend or change any part of this By-Law. Should this amendment contradict any part of this By-Law, that part must first be amended to permit this By-Law change.

SEVERABILITY

- 11.3 If any provision of this By-Law, including any part of the zoning as shown on Schedule "A" is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

PENALTY

- 11.4 A person who violates a provision of the By-Law, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding 30 days, or both fine and imprisonment.

COURT ORDER

- 11.5 The Band Council will seek a Court Order ordering that any person erecting a structure in contravention of this By-Law will either demolish the said structure or bring it up to the necessary standard within reasonable length of time (to be stated in the Court Order) and that failing this, the Band Council may have this work carried out and collect the charges from the offending person.

SECTION 12 - TRANSITION AND EFFECT

TRANSITION

- 12.1 This amended By-Law will have immediate application to all permit applications in respect of which no building permit has been issued as of the day on which this By-Law comes into force.

- 12.2 The provisions of this By-Law are intended to amend, consolidate and replace the provisions of By-Law 79-10, as amended, to the date hereof. Accordingly, upon the coming into force of this By-Law, the provisions of By-Law 79-10 as amended shall have no further force or effect, separate and apart from the force and effect of the provisions of this By-Law.

SCHEDULES

- A** Designated Land Use Map of Mnjikaning First Nation
- B** Building Permit Application Form
- C** Building Permit Form (Resident Applicant)
- D** Building Permit Form (Non-Resident Applicant)

**SCHEDULE "A" – DESIGNATED LAND USE MAP OF RAMA
MNJIKANING FIRST NATION**

(Original on file at INAC)

SCHEDULE "B" - BUILDING PERMIT APPLICATION**BUILDING PERMIT APPLICATION**
AS AUTHORIZED BY THE CHIPPEWAS OF MNJIKANING FIRST NATION
BY-LAW NO. 06-XX AS AMENDED

APPLICATION DATE:		PERMIT APPLICATION NUMBER:	
PERMIT ISSUANCE DATE:			
PERMIT TYPE: <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> RENOVATION <input type="checkbox"/> DEMOLITION			
<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMPLEX RESIDENTIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> COMMERCIAL / RECREATIONAL <input type="checkbox"/> INSTITUTIONAL <input type="checkbox"/> OTHER (SPECIFY):		DESCRIPTION OF CONSTRUCTION:	
PERMIT FEE:			
PROPERTY LOCATION			
911 ADDRESS			
STREET NO.		UNIT NO.	
LOT NO.	BLOCK NO.	PLAN NO.	CONCESSION NO.
REGISTERED PROPERTY OWNER			
LAST NAME		FIRST NAME	INITIAL
STREET NO.	STREET NAME		APT. / UNIT NO.
CITY / TOWN		PROVINCE	POSTAL CODE

PHONE NUMBERS					
HOME:		BUSINESS:		FAX:	
APPLICANT (MUST BE THE NAME OF THE PERSON SUBMITTING THE APPLICATION)				Resident: Yes <input type="checkbox"/> No <input type="checkbox"/>	
LAST NAME		FIRST NAME		INITIALS	
STREET NO.	STREET NAME			APT. / UNIT NO.	
CITY / TOWN		PROVINCE		POSTAL CODE	
PHONE NUMBERS					
HOME:		BUSINESS:		FAX:	
BUILDER (IF KNOWN)					
LAST NAME		FIRST NAME		INITIALS	
NAME OF COMPANY					
STREET NO.	STREET NAME			UNIT NO.	
CITY / TOWN		PROVINCE		POSTAL CODE	
PHONE NUMBER		FAX NUMBER			
APPLICANT'S STATEMENT					
<p>I, _____ (print name) OF THE _____ (city/town), OF _____, HEREBY APPLY FOR A PERMIT IN ACCORDANCE WITH THE APPLICATION, PLANS AND SPECIFICATIONS SUBMITTED AND ATTEST THAT THE CONSTRUCTION HEREIN APPLIED FOR, TO THE BEST OF MY KNOWLEDGE, COMPLIES WITH THE NBC (AND IN THE CASE OF PERMITS RELATING TO CASINO RAMA, WITH THE OBC, WHICHEVER IS MORE RESTRICTIVE) AND THE RAMA MNJIKANING FIRST NATION LAND USE & DEVELOPMENT BY-LAW, AS AMENDED.</p> <p>Please check one of the following:</p> <p><input type="checkbox"/> I AM THE REGISTERED PROPERTY OWNER (IN THE CASE OF CASINO RAMA, THE REGISTERED PROPERTY OWNER SHALL BE THE CHIPPEWAS OF RAMA MNJIKANING FIRST NATION), or</p> <p><input type="checkbox"/> I AM AUTHORIZED IN WRITING BY THE REGISTERED PROPERTY OWNER TO MAKE THIS APPLICATION AND THE LETTER OF AUTHORIZATION IS ATTACHED.</p> <p>I hereby consent to the collection, use and disclosure of my personal information for the purposes of administering my application for a Building Permit with the Chippewas of Rama Mnjikaning First Nation. I understand that my personal information shall not be disclosed to third parties without my consent except where required by law.</p> <p>Date: _____</p> <p style="text-align: right;">_____ Signature of Applicant</p>					

**CHIPPEWAS OF RAMA MNJIKANING FIRST NATION
BUILDING DEPARTMENT - PERMIT PROCESS**

1.0 PERMIT APPLICATION AND CONSTRUCTION DRAWINGS

A permit application is required to be completed by the registered property owner, applicant or his/her designate (architect, engineer, or contractor) (the "Applicant"), and in the case of Casino Rama the Chippewas of Rama Mnjikaning First Nation is the registered property owner. The application must include a description of the proposed construction and be submitted to the Mnjikaning First Nation Building Department. The Applicant is also required to submit two full copies of construction drawings and specifications for review by the Building Department. One copy of the plans will be returned to the Applicant upon issuance of the building permit.

2.0 OTHER DOCUMENTATION

Additional documentation which Applicants are required to submit with their application include, but are not limited to, the following.

2.1 Owner's Letter of Undertaking

The registered property owner/Applicant is required to submit to the Building Department a letter of undertaking which states that the subject construction will be designed and reviewed by an architect, professional engineer or both.

2.2 Owner's Letter of Approval

A non-resident Applicant is required to submit to the Building Department written authorization from the registered property owner to make the building permit application.

2.3 General Review Commitment Certificates

The design professional is required to submit to the Building Department a certificate stating that they have been retained by the registered property owner/Applicant to undertake the general review of the subject construction in accordance with Section 2.3 of the 2005 National Building Code of Canada (the "NBC"), and in the case of Casino Rama in accordance with Subsections 3.2.2 of either the NBC or OBC, whichever is more restrictive.

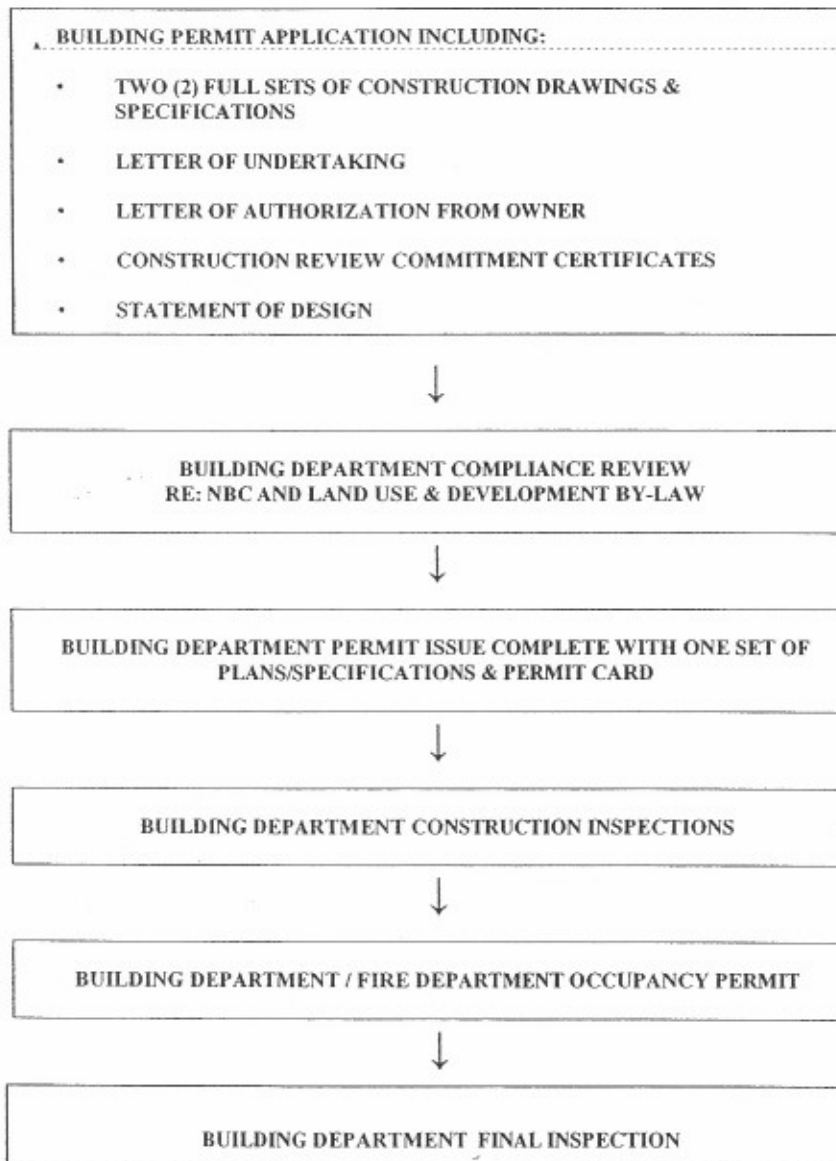
2.4 Statement of Design

A statement of design form is required to be completed by the design professional (architect and/or engineer) which will classify the building based on size and occupancy in accordance with Subsection 3.2.2 of the NBC, and in the case of Casino Rama in accordance with Subsections 3.2.2 of either the NBC or the OBC, whichever is more restrictive.

2.5 Construction Drawings

Two full sets of construction drawings for the proposed construction shall be submitted to the Building Department and shall bear the seal of the design architect and other professional disciplines for review by the Building Department prior to the issuance of the building permit.

**BUILDING PERMIT PROCESS
CHIPPEWAS OF RAMA MNJIKANING FIRST NATION**



SCHEDULE "C" - BUILDING PERMIT FORM (RESIDENT)



**RAMA
MNJIKANING**
FIRST NATION

Building Department
5884 Rama Road, Suite 200
Rama, ON L0K 1T0
Tel. (705) 325-3611 ext 1528

BUILDING PERMIT

(Resident Applicant)

Permit No. 2006-

Revision No. 2006-

Date Issued: _____ Expiry Date: _____

Project Location: _____

Suite / Unit #: _____

Legal Description: _____

Building Type: _____ Work Proposed: _____

Permit Holder:-- _____

Owner: _____

Builder: _____

Applicant: _____

GENERAL CONDITIONS OF PERMIT ISSUANCE

This permit is granted subject to the terms on the Application and those set out in Rama Mnjikaning First Nation Land Use By-Law #06-01, and on the condition that all conditions set out in the permit shall be met and all work authorized by the permit shall be completed in all respects in accordance with the plans, specifications and any other information on the basis of which the permit was issued, including the above noted By-Law.

This permit is subject to revocation on the expiry date shown above, unless the authorized construction or demolition has been seriously commenced.

REQUIREMENTS FOR INSPECTIONS

The Permit Holder must provide to the Inspector with a minimum of 24-hour notice at each stage of construction to allow for required inspections. There are mandatory inspections at the following stages of construction: footings; foundation prior to backfilling; framing; rough in heating; rough in plumbing; insulation and vapour barrier; occupancy; and final.

This permit and the attached certificate must be posted on the site. The Plans and Specifications reviewed and issued by the Mnjikaning First Nation Building Department must also be kept on site and be made available to Inspectors from the Building Department.

SCHEDULE "D" – BUILDING PERMIT FORM (NON-RESIDENT)



Building Department
5884 Rama Road, Suite 200
Rama, ON L0K 1T0
Tel. (705) 325-3611 ext 1528

BUILDING PERMIT

(Non-Resident Applicant)

Permit No. 2006-

Revision No. 2006-

Date Issued: _____ Expiry Date: _____

Project Location: _____

Suite / Unit #: _____

Legal Description: _____

Building Type: _____ Work Proposed: _____

Permit Holder: _____

Owner: _____

Builder: _____

Applicant: _____

GENERAL CONDITIONS OF PERMIT ISSUANCE

This permit is granted subject to the terms on the Application and those set out in Mnjikaning First Nation Land Use By-Law #06-01, and on the condition that all conditions set out in the permit shall be met and all work authorized by the permit shall be completed in all respects in accordance with the plans, specifications and any other information on the basis of which the permit was issued, including the above noted By-Law.

Pursuant to the terms of Section 10.7 of the Mnjikaning First Nation Land Use By-Law #06-01, the applicant and any contractors providing goods or services to the project authorized by this permit be, and they are hereby, appointed to act and to contract for and on behalf of, and to provide the said goods or services, as agents on behalf and for the benefit of the owner identified in or for the purposes of Section 10.4.2 thereof.

This permit is subject to revocation on the expiry date shown above, unless the authorized construction or demolition has been seriously commenced.

REQUIREMENTS FOR INSPECTIONS

The Permit Holder must provide to the Inspector with a minimum of 24-hour notice at each stage of construction to allow for required inspections. There are mandatory inspections at the following stages of construction: footings; foundation prior to backfilling; framing; rough in heating; rough in plumbing; insulation and vapour barrier; occupancy; and final.

This permit and the attached certificate must be posted on the site. The Plans and Specifications reviewed and issued by the Mnjikaning First Nation Building Department must also be kept on site and be made available to Inspectors from the Building Department.