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TSAWWASSEN FIRST NATION
s̓cəwaθən məsteyəx^w

Land Use Planning and Development Act

BUILDING REGULATION

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WHEREAS the Tsawwassen First Nation Final Agreement authorizes the Tsawwassen Government to make laws in respect of buildings, structures and development on Tsawwassen Lands;

And the Tsawwassen First Nation *Land Use Planning & Development Act* authorizes the Executive Council to regulate in relation to buildings, structures and development on Tsawwassen Lands;

AND WHEREAS it is deemed necessary to provide for the administration of the British Columbia Building Code, which applies to Tsawwassen Lands;

NOW THEREFORE the Executive Council of the Tsawwassen First Nation, in open meeting assembled, ENACTS AS FOLLOWS:

Title

- 1.1 This Regulation may be cited for all purposes as “*Tsawwassen First Nation Building Regulation, 2009*”.

Definitions

- 2.1 Unless specifically defined herein, words and phrases used in this Regulation shall be construed in accordance with the meanings assigned to them in the *Tsawwassen First Nation Final Agreement* and the *Tsawwassen First Nation Land Use Planning and Development Act*, as the context and circumstances require.

- 2.2 In this Regulation:

The following words and terms have the meanings set out in Section 1.4.1.2 of the Building Code: *assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, plumbing system, registered professional, and residential occupancy.*

“Building Code” means the *British Columbia Building Code 2006* as amended or replaced from time to time.

“Building Official” includes a Building Inspector, Plan Checker or Plumbing Inspector designated by the Tsawwassen First Nation (TFN) or the Director of Lands and, for the purposes of the review of plans and inspection of buildings involving *fire suppression systems* and solid fuel burning appliances, the Fire Chief of Delta and fire department personnel designated for those purposes by the Fire Chief.

“Complex Building” means:

- (a) all *buildings* used for *major occupancies* classified as
 - (i) assembly occupancies,
 - (ii) care or detention occupancies,
 - (iii) high hazard industrial occupancies, and
- (b) all *buildings* exceeding 600 square meters in *building area* or exceeding three storeys in *building height* used for *major occupancies* classified as:
 - (i) residential occupancies,
 - (ii) business and personal services occupancies,
 - (iii) mercantile occupancies,

(iv) medium and low hazard industrial occupancies.

“Fire Chief” means the person appointed by the Executive Council or through an agreement for service to act on behalf of the Tsawwassen First Nation;

“Fire suppression system” includes fire sprinkler system, foam systems, wet and dry chemical fire suppression equipment and any other extinguishing system.

“Health and safety aspects of the work” means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.6, 9.7, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.31, 9.32, 9.34, 9.35, and 9.36 of Part 9 of the *Building Code*.

“Land holder” means the holder of an interest in Tsawwassen Lands, but does not include Tsawwassen First Nation or the Executive Council acting on its behalf;

“Standard Building” means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square meters and used for *major occupancies* classified as:

- (a) residential occupancies,
- (b) business and personal services occupancies,
- (c) mercantile occupancies, or
- (d) medium to low hazard industrial occupancies.

“Structure” means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes retaining structures less than 1.22 meters in height, landscaping fences, and paving.

“Temporary building” means a *building* that is intended to be used for a period of time not exceeding one year from the date of issuance of a building permit, but does not include construction site temporary buildings.

Purpose of regulation

- 3.1 Despite any other provision herein, this Regulation must be interpreted in accordance with this section.
- 3.2 This Regulation has been enacted for the purpose of regulating construction within Tsawwassen First Nation in the general public interest. The activities undertaken by or on behalf of the Tsawwassen First Nation pursuant to this Regulation are for the sole purpose of providing a limited spot-checking function for reasons of health, safety and the protection of persons and property. The purpose of this Regulation does not extend:
 - (a) to the protection of *land holders*, builders or *constructors* from economic loss;
 - (b) to the assumption by the Tsawwassen First Nation or any *building official* of any responsibility for ensuring the compliance by any *land holder*, his or her representatives or any employees, *constructors* or *designers* retained by him or her, with the *Building Code*, the requirements of this Regulation or other applicable enactments respecting safety;
 - (c) to providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a building permit or occupancy permit is issued under this Regulation; or
 - (d) to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Tsawwassen First Nation is free from latent, or any, defects.

Permit conditions

- 4.1 A permit is required whenever work regulated under this Regulation is to be undertaken.

- 4.2 Neither the issuance of a permit under this Regulation nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Tsawwassen First Nation, shall in any way relieve the *land holder* or his or her representatives from full and sole responsibility to perform work in strict accordance with this Regulation, the *Building Code* and any other applicable enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the *land holder* (and where the *land holder* is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the *Building Code* and this Regulation or other applicable enactments respecting safety.
- 4.4 Neither the issuance of a permit under this Regulation nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Tsawwassen First Nation, constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this Regulation or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this Regulation or assume or conclude that this Regulation has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

Scope and exemption

- 5.1 This Regulation applies to the design, construction and occupancy of new buildings and structures, including temporary buildings, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.
- 5.2 This Regulation does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining structures less than 1.22 metres in height; fences; concrete, asphalt or similar surfacing of land; portable swimming pools not anchored to the ground; pools having a surface area of 15 square meters or less or a depth of 450 mm or less; uncovered decks, patios and terraces not more than 0.62 meters above grade; temporary buildings such as construction site buildings, seasonal storage buildings, special events facilities, emergency facilities and other such similar structures; or factory-built wood burning appliances or chimneys.

Prohibitions

- 6.1 A person must not commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the *occupancy* of any *building* or *structure* or other work related to construction unless a *building official* has issued a permit for the work.
- 6.2 A person must not commence or continue the installation or alteration of a *plumbing system*, including a *fire suppression system*, unless a *building official* has issued a permit for the work.
- 6.3 A person must not occupy or use any *building* or *structure* unless a report has been issued by a *building official* for the *building* or *structure* under section 22.1 of this Regulation, or contrary to the terms of any permit issued or any notice given by a *building official*.
- 6.4 A person must not knowingly submit false or misleading information to a *building official* in relation to any permit application or construction undertaken pursuant to this Regulation.
- 6.5 A person must not, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a *building* or *structure* pursuant to this Regulation.
- 6.6 A person must not do any work that is substantially at variance with the accepted design or plans of a *building*, *structure* or other works for which a permit has been issued, unless that variance has been accepted in writing by a *building official*.

- 6.7 A person must not obstruct the entry of a *building official* or other authorized official of the Tsawwassen First Nation on property in the administration of this Regulation.

Building officials

- 7.1 Each building official may:
- (a) administer this Regulation and prescribe the form of permits, permit applications, orders and notices except to the extent that they are specifically prescribed by this Regulation;
 - (b) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this Regulation or microfilm or digitize copies of such documents.
 - (c) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a *building* or *structure* for which a permit is sought under this Regulation substantially conform to the requirements of the *Building Code*.
- 7.2 A building official:
- (a) may enter any land, *building*, *structure*, or premises at any reasonable time for the purpose of ascertaining that the terms of this Regulation are being observed;
 - (b) where any residence is occupied, must obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - (c) must carry proper credentials confirming his or her status as a *building official*.
- 7.3 A *building official* may order the correction of any work that is being or has been done in contravention of this Regulation.
- 7.4 The *Fire Chief* may prescribe the form of permits and permit applications for the purpose of section 8.1.(g) of this Regulation and make determinations with respect to fire suppression systems under section 25.4.

Application

- 8.1 Every person must apply for and obtain a building permit before commencing any of the following:
- (a) constructing, repairing or altering a *building* or *structure*;
 - (b) constructing or altering any *plumbing system*, or *fire suppression system*, unless the works are encompassed by a valid building permit;
 - (c) construction of a masonry fireplace or chimney;
 - (d) construction of a *temporary building*.
- 8.2 Every person must apply for and obtain a moving permit before moving a *building* or *structure*.
- 8.3 Every person must apply for and obtain a demolition permit before demolishing a *building* or *structure*.
- 8.4 Every person must apply for and obtain a solid fuel burning appliance permit from the Fire Chief prior to the installation of a solid fuel burning appliance or factory built fireplace or chimney.
- 8.5 All plans submitted with permit applications shall bear the name and address of the designer of the *building* or *structure*.
- 8.6 Each *building* or *structure* to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that *building* or *structure* as determined in accordance with Schedule A to this Regulation.

- 8.7 A Tsawwassen First Nation member applying for a building permit to construct a single family home or duplex on their land holding for their personal residence, will have TFN waive the permit fees listed in this Regulation.

Applications for complex buildings

9.1 Every application for a building permit with respect to a *complex building* shall:

- (a) be signed by the *land holder*, or a signing officer if the *land holder* is a corporation, and the *coordinating registered professional*;
- (b) be accompanied by the *land holders* acknowledgement of responsibility and undertakings made in Form 1, signed by the *land holder*, or a signing officer if the *land holder* is a corporation;
- (c) include a copy of a title search made within 30 days of the date of the application and a copy of all covenants, easements, and rights of way registered against the property;
- (d) include three copies of a site plan prepared by a British Columbia Land Surveyor at a scale of 1:100 showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of any and all statutory rights of way;
 - (iv) easements and setback requirements;
 - (v) the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel and all wells and on-site sewage disposal systems;
 - (vi) setbacks to the natural boundary of any lake, swamp, pond or watercourse where Tsawwassen First Nation land use regulations establish siting requirements relating to flooding;
 - (vii) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *structure* where Tsawwassen First Nation land use regulations establish siting requirements related to minimum floor elevation; and
 - (viii) the location, dimension and gradient of parking and driveway access;
- (a) include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- (b) include a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
- (c) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, spatial calculations, and finished grade;
- (d) include cross-sectional details drawn at sufficient locations to illustrate that the building or *structure* substantially conforms to the *building code*;
- (e) include a grading plan indicating compliance with section 12 of this Regulation;
- (f) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and approvals from the British Columbia Ministry of Health;
- (g) include a letter of assurance in the form of Schedule A as referred to in section 2.2.7 [*Professional Design and Review*] of Division C, Part 2 of the *Building Code*, signed by the *land holder*, or a signing officer of the *land holder* if the *land holder* is a corporation, and the *coordinating registered professional*;

- (h) include letters of assurance in the form of Schedule B-1 and B-2 as referred to in section 2.2.7 [*Professional Design and Review*] of Division C, Part 2 of the *Building Code*, each signed by such *registered professionals* as the *building official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building* or *structure*; and
- (i) include three sets of drawings at an appropriate scale sufficient to show required details, of the design prepared by each *registered professional* and including the information set out in section 9.1 (e) and 9.1 (h) of this Regulation.

9.2 The *building official* may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing *building* or *structure*.

9.3 In addition to the requirements of section 9.1, the following may be required by a *building official* to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed *building* or *structure* or siting circumstances warrant:

- (a) site service drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the Tsawwassen First Nation's Subdivision Development Regulation;
- (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (c) an analysis showing conformance of the proposed *building* or *structure* to the *Building Code*;
- (d) an analysis showing conformance of the proposed *building* or *structure* to the zoning regulation of the Tsawwassen First Nation and any applicable development permit;
- (e) any other information required by the *building official* or the *Building Code* to establish substantial compliance with this Regulation, the *Building Code* and other regulations and enactments relating to the *building* or *structure*.

Applications for standard buildings

10.1 Every application for a building permit with respect to a *standard building* must be signed by the *land holder*, or a signing officer if the *land holder* is a corporation, and must include all of the following:

- (a) the *land holders* acknowledgement of responsibility and undertakings made in Form 1, signed by the *land holder*, or a signing officer if the *land holder* is a corporation;
- (b) a copy of a title search made within 30 days of the date of the application;
- (c) a copy of all covenants, easements and rights of way registered against the land on which the *building* or *structure* is to be constructed;
- (d) a site plan prepared by a British Columbia Land Surveyor at a scale of 1:100 showing:
 - (i) the bearing and dimension of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel and all wells and on-site sewage disposal systems;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (vi) the geodetic elevations of the existing and finished ground levels at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *structure*; and
 - (vii) the location, dimension and gradient of parking and driveway access;
- (a) a grading plan indicating compliance with section 12 of this Regulation;

- (b) floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
 - (c) a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
 - (d) elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, spatial calculations, and finished grade;
 - (e) cross-sectional details drawn at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *Building Code*;
 - (f) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and any approval of the Provincial or Federal governments that may be necessary;
 - (g) a foundation design prepared by a *registered professional* in accordance with section 4.2 [*Foundations*] of Division B, Part 4 of the *Building Code*, accompanied by letters of assurance in the form of Schedule B-1 and B-2 as referred to in section 2.2.7 [*Professional Design and Review*] of Division C, Part 2 of the *Building Code*, signed by the *registered professional*; and
 - (h) two sets of drawings at a scale of 1:50 of the design including the information set out in sections 10.1 (f), 10.1 (i), and 10.1 (k) of this Regulation.
- 10.2 The *building official* may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing *building* or *structure*.
- 10.3 The requirements of section 10.1 (k) may be waived by a *building official* if documentation, prepared and sealed by a *registered professional*, is provided assuring that the foundation design substantially complies with section 9.4.4 [*Foundation Conditions*] of Division B, Part 9 of the *Building Code* and the foundation excavation substantially complies with section 9.12 [*Excavation*] of Division B, Part 9 of the *Building Code* or if in the opinion of the *building official* a foundation design by a *registered professional* is not warranted.
- 10.4 In addition to the requirements of section 10.1, the following may be required by a *building official* to be submitted with a building permit application for the construction of a *standard building* where the project involves two or more *buildings*, which in the aggregate total more than 1000 square meters, or two or more *buildings* that will contain four or more dwelling units, or otherwise where the complexity of the proposed *building* or *structure* or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the *Tsawwassen First Nation Subdivision and Development Regulation, 2009*;
 - (b) a section through the site showing grades, *building*, *structures*, parking areas and driveways;
 - (c) a roof plan and roof height calculations;
 - (d) structural, electrical, mechanical or *fire suppression system* drawings prepared and sealed by a *registered professional*;
 - (e) letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.2.7 [*Professional Design and Review*] of Division C, Part 2 of the *Building Code*, signed by the *registered professional*;
 - (f) any other information required by the *building official* or the *Building Code* to establish substantial compliance with this Regulation, the *Building Code* and other regulations and enactments relating to the *building* or *structure*.

Applications for plumbing permits

- 11.1 An application for a permit for a *plumbing system* shall, except in the case of a system to be installed in a single family dwelling or two family dwelling, include drawings at a scale of 1:100 showing the proposed

work in sufficient detail to illustrate compliance with the *Building Code*, including sectional drawings showing the size and location of every waste pipe, trap, and vent pipe. A *building official* may nonetheless require such drawings to be provided in the case of a single family dwelling or two family dwelling.

- 11.2 Any drawings illustrating the installation of a *fire suppression system* must bear the seal of a *registered professional*.

Site and lot grading

- 12.1 The *land holder* of land on which a *building* or *structure* is being constructed must control site drainage such that other sites are not impacted and in particular:
- (a) each lot must be graded to drain into a Tsawwassen First Nation drainage system or a natural watercourse without draining onto adjacent lots;
 - (b) areas adjacent to *buildings* shall be graded away from the foundations to prevent flooding;
 - (c) lots lower than adjacent roadways must be provided with storm water management facilities to direct storm runoff to a drainage system approved by a *building official*; and
 - (d) in the case of storm runoff not directed to a Tsawwassen First Nation drainage system, storm runoff may occur to a natural watercourse by means of sheet flow only, and not by means of swales or pipes or any other artificial means.

Professional plan certification

- 13.1 The letters of assurance in the form of Schedules B-1 and B-2 referred to in section 2.2.7 [*Professional Design and Review*] of Division C, Part 2 of the *Building Code* and provided pursuant to sections 9.1 (l), 10.1 (k), 10.4 (f) and 19.1 of this Regulation are relied upon by the Tsawwassen First Nation and its *building officials* as certification that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments relating to safety.
- 13.2 A building permit issued for the construction of a *complex building* or for a *standard building* for which a *building official* requires professional design pursuant to section 10.4 (d) and letters of assurance pursuant to section 10.4 (e) of this Regulation shall include a notice to the *land holder* that the building permit is issued in reliance upon the certification of the *registered professionals* that the design and plans submitted in support of the application for the building permit comply with the *Building Code* and other applicable enactments relating to safety.
- 13.3 When a building permit for a *complex building* is issued in accordance with section 13.2 of this Regulation, because the *building official* relies completely on the letters of assurance provided by the *registered professionals* for issuance of the permit and certification of the work, the permit fee shall be reduced as outlined in Schedule A to this Regulation.

Fees and charges

- 14.1 In addition to applicable fees and charges required under other regulations, a permit fee, calculated in accordance with Schedule A to this Regulation, shall be paid in full prior to issuance of any permit under this Regulation.
- 14.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set out in Schedule A to the Regulation.
- 14.3 The plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 14.4 An application shall be cancelled and the plan-processing fee forfeited if the building permit has not been issued and the permit fee paid within 60 calendar days of the date of written notification to the *land holder* that the permit is ready to be issued.

- 14.5 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 14.6 The *land holder* may obtain a refund as set out in Schedule A to this Regulation when a permit is surrendered and cancelled before any construction begins.
- 14.7 Where, due to non-compliance with this Regulation, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A to this Regulation shall be paid prior to additional inspections being performed.
- 14.8 If any construction, demolition or moving work for which this Regulation requires a permit is commenced before the permit is issued, the permit fee shall be doubled but the maximum additional fee shall in no case exceed the value set out in Schedule A to this Regulation.

Equivalents

- 15.1 The provisions of this Regulation are not intended to limit the appropriate use of materials, equipment or methods of construction. A *land holder* who wants to use an equivalent material, equipment, or method of construction not specifically described in this Regulation or the Building Code shall submit to a *building official* sufficient evidence to demonstrate that the proposed equivalent will provide the level of performance required by this Regulation and the *Building Code*.
- 15.2 The evidence shall be in the form of a report from an engineer, architect or other certified Building Code specialist, and in addition to the information and arguments presented to support the equivalency proposal, shall state:
- (a) the name of the *land holder*, and the name and address of the construction project;
 - (b) the background of the individual or firm proposing the equivalency and their qualifications and experience in the field;
 - (c) the sections of this Regulation or the *Building Code* for which the equivalency is sought;
 - (d) that the author of the report is a qualified professional registered to practice in British Columbia, is providing schedules B-1 and B-2 to the *Building Code* in respect of the design of the *building* or *structure*, and will provide the Schedule C-B on completion of the work.
- 15.3 Equivalency reports are to be accompanied by the fee for their review as set out in Schedule A to this Regulation.
- 15.4 Where equivalencies are relied upon, the land holder must provide the Tsawwassen First Nation with a covenant, registrable under section 219 of the *Land Title Act* (British Columbia) that, without limitation, includes a promise by the land holder not to build, use, alter, modify, maintain or repair except in accordance with conditions established in a report prepared by a qualified professional and to reimburse the Tsawwassen First Nation for any expenses it may incur as a result of a breach of the covenant.

Essential services

- 16.1 No permit for the construction of any *building* for an *assembly, business and personal services, care or detention, industrial, mercantile or residential occupancy* shall be issued unless the following essential services are provided:
- (a) **Road**

A road and driveway of sufficient strength, grade and width to provide ready access to the *building* by fire and emergency vehicles at all times.

(b) **Water Supply**

A water service or other source of potable water supply approved under any applicable provincial regulations.

(c) **Sewage Disposal**

A community sewer or other method of sewage disposal approved under any applicable provincial regulations and, in the case of on-site septic absorption fields, complying with the Sewerage System Regulation.

(d) **Storm Drainage**

An approved method of storm drainage disposal, which may be a storm sewer, ditch or engineered rock pit.

Building permits

- 17.1 A *building official* shall issue the permit for which the application is made on being satisfied that the following requirements have been met:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the proposed work set out in the application substantially conforms with the *Building Code*, this Regulation and all other applicable enactments;
 - (c) the *land holder* or his or her representative has paid all fees and charges and met all requirements imposed by this and any other applicable regulation;
 - (d) no enactment, covenant, agreement or regulation of, or in favor of, the Tsawwassen First Nation authorizes the permit to be withheld;
 - (e) the *land holder* has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*; and
 - (f) the *land holder* has retained an architect if required by the provisions of the *Architects Act*.
- 17.2 When the application is in respect of a *building* that includes, or will include, a *residential occupancy*, the building permit must not be issued unless the *land holder* provides evidence pursuant to the *Homeowner Protection Act* (British Columbia) that:
- (a) the proposed *building* is covered by home warranty insurance, and
 - (b) the *constructor* is a licensed residential builder.
- 17.3 Section 17.2 of this Regulation does not apply if the *land holder* is not required to be licensed and to obtain home warranty insurance in accordance with the *Homeowner Protection Act*.
- 17.4 Every permit is issued upon the condition that the permit shall expire and the rights of the *land holder* under the permit shall terminate if:
- (a) the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
 - (b) work is discontinued for a period of 12 months.
- 17.5 A *building official* may renew a building permit on payment of the renewal fee specified in Schedule A, provided that the permit remains issuable under this Regulation and the *Building Code*, all fees and charges payable as of the date of the renewal date have been paid, and all works and services required by the *Tsawwassen First Nation Subdivision and Development Regulation, 2009* have been provided. No such permit renewal may be granted after the six months referred to in s. 17.4. (a) have elapsed.

- 17.6 A *building official* may revoke a building permit if there is a breach of any provision of this Regulation or the *Building Code* in the construction authorized by the permit, or if the *building official* determines that any information on the basis of which the permit was issued is incorrect.
- 17.7 A *building official* may issue a building permit for a portion of a *building* or *structure* before the design, plans and specifications for the entire *building* or *structure* have been accepted, provided sufficient information has been provided to the Tsawwassen First Nation to demonstrate to the *building official* that the portion authorized to be constructed substantially complies with this and other applicable enactments and the permit fee applicable to that portion of the *building* or *structure* has been paid. The issuance of the permit notwithstanding, the requirements of this Regulation apply to the remainder of the *building* or *structure* as if the permit for the portion of the *building* or *structure* had not been issued.

Disclaimer of warranty or representation

- 18.1 Neither the issuance of a permit under this Regulation, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a *building official*, shall constitute a representation or warranty that the *Building Code* or this Regulation have been complied with or the *building* or *structure* meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code* or this Regulation or any standard of construction.

Professional design and field review

- 19.1 When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require that a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.2.7 of Division C, Part 2 of the Building Code.
- 19.2 Prior to the issuance of a final report authorizing occupancy for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with section 10.1.(k), 10.4. (e), 15.2 or 19.1 of this Regulation, the land holder shall provide the Tsawwassen First Nation with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the Building Code.
- 19.3 When a registered professional provides letters of assurance in accordance with sections 9.1.1), 10.1 (k), 10.4.(f), 15.2, 19.1, or 19.2 of this Regulation, he or she shall also provide proof of at least One Million Dollars (\$1,000,000.00) of professional liability insurance to the building official by way of Form 2.

Responsibilities of the land holder

- 20.1 Every land holder shall ensure that all construction complies with the *Building Code*, this Regulation and other applicable enactments respecting safety.
- 20.2 Every *land holder* to whom a permit is issued shall be responsible for the cost of repair of any damage to Tsawwassen First Nation works that occurs in the course of the work authorized by the permit.
- 20.3 Every *land holder* to whom a permit is issued shall during construction:
- (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (b) keep a copy of the accepted design, plans and specifications on the property;
 - (c) post the civic address of the property in a location visible from any adjoining streets; and
 - (d) ensure appropriate site safety measures are taken to protect the public from any hazards which may result from the construction activities.

Inspections

- 21.1 When a *registered professional* provides letters of assurance in accordance with sections 9.1 (l), 10.1 (k), 10.4 (f), 15.2, 19.1 or 19.2 of this Regulation, the Tsawwassen First Nation will rely solely on field reviews undertaken by the *registered professional* and the letters of assurance submitted pursuant to section 19.2 of this Regulation as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this Regulation and other applicable enactments respecting safety; and a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 21.2 A *building official* may attend periodically at the site of the construction of *standard buildings* or *structures* to ascertain whether the *health and safety aspects of the work* are being carried out in substantial conformance with those portions of the *Building Code*, this Regulation and any other applicable enactment concerning safety.
- 21.3 The *land holder* or his or her representative shall give at least 24 hours notice to the Tsawwassen First Nation when requesting an inspection of the construction of a *standard building* and shall obtain an inspection and receive a *building official's* acceptance of the following aspects of the work prior to concealing it:
- (a) verification as to the location of forms for footings and foundation walls outside of setback areas, prior to the placing of concrete, and the *land holder* shall provide a survey certificate prepared by a British Columbia Land Surveyor as to the location of the forms in relation to parcel boundaries and other *buildings* and *structures* on the land;
 - (b) installation of perimeter drain tiles, drain rock and dampproofing, prior to backfilling;
 - (c) the preparation of ground, including granular base materials, below-grade insulation, dampproofing membrane, underground plumbing and any reinforcing steel, when required, prior to the placing of a concrete slab;
 - (d) installation of building services before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing system is covered before it is inspected and approved, it shall be uncovered if a building inspector so directs, and when considered necessary, underground building drains, branches, storm drains, and sewers shall be retested after the completion of all backfilling and grading by heavy equipment;
 - (e) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - (f) the framing and sheathing after the installation of any fire stopping, bracing, chimney and ductwork construction and the rough in of the plumbing and electrical systems;
 - (g) installation of fire suppression systems;
 - (h) insulation and vapour barrier;
 - (i) when the *building* or *structure* is substantially complete and ready for *occupancy*, but before occupancy takes place of the whole or part of the *building* or *structure*.
- 21.4 No aspect of the work referred in section 21.3 of this Regulation shall be concealed until a *building official* has accepted it in writing.
- 21.5 The requirements of section 21.3 of this Regulation do not apply to any aspect of the work that is the subject of a *registered professional's* letter of assurance provided in accordance with sections 9.1 (l), 10.4 (f), 15.2, 19.1 or 19.2 of this Regulation.

Final reports authorizing occupancy

- 22.1 No person shall occupy a *building* or *structure* or part of a *building* or *structure* until a final report authorizing occupancy has been issued by a *building official*. Where a building permit has been issued for a residence, a report authorizing occupancy may be issued prior to completion, provided the *building* or part thereof

complies with the health and safety requirements of the *Building Code* and exterior finishes are substantially complete.

- 22.2 A final report authorizing occupancy shall not be issued unless:
- (a) all letters of assurance have been submitted when required in accordance with sections 9.1 (l) 10.1(k), 10.4 (f), 15.2, 19.1 and 19.2 of this Regulation;
 - (b) all aspects of the work requiring inspection and acceptance pursuant to section 21.3 of this Regulation have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 21.5 of this Regulation;
 - (c) the *land holder* has provided to the Tsawwassen First Nation as-built plans of works and services as required by the Tsawwassen First Nation;
 - (d) the *land holder* has provided to the Tsawwassen First Nation a building survey prepared by a British Columbia Land Surveyor showing the building height determined in accordance with the Tsawwassen First Nation's land use regulations.
- 22.3 The requirements of section 22.2 (d) may be waived by a *building official* if compliance with the land use regulations can be ascertained without such a survey being prepared.
- 22.4 A *building official* may issue a final report authorizing occupancy for part of a *building* or *structure* when the part of the *building* or *structure* is self-contained and provided with essential services and the requirements set out in section 22.2 of this Regulation have been met with respect to it.
- 22.5 When a *registered professional* provides letters of assurance in accordance with this Regulation, the Tsawwassen First Nation will rely solely on the letters of assurance submitted pursuant to section 19.2 of this Regulation when issuing a final report authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the *Building Code*, this Regulation and other applicable enactments respecting safety.

Retaining structures

- 23.1 A *registered professional* shall undertake the design and conduct *field reviews* of the construction of a retaining structure 1.22 meters or more in height. Sealed copies of the design plan and field review reports prepared by the *registered professional* for all retaining structures 1.22 meters or more in height shall be submitted to a *building official* prior to acceptance of the works.

Swimming pools

- 24.1 Every pool must be completely enclosed within a building or fence, or combination of *building* and fence, not less than 1.2 meters in height and forming a continuous enclosure except at points of access. No opening in any such fence shall exceed 100 mm and the fence shall be constructed in such a manner as to prevent unauthorized entry to the pool, with all gates equipped with a spring hinge and latch mounted on the pool side.
- 24.2 Every pool enclosure shall be maintained by the *land holder* or occupier in good order and all inoperative gates, latches, hinges and locks promptly repaired or replaced.
- 24.3 Pool plumbing shall be so arranged that pool water cannot enter any water supply line and, once having been drained from the pool, cannot be returned to the pool without filtering, and so that sewage from any sanitary sewer or sewage disposal system cannot enter the pool or the pool filtering system. Pool wastewater shall be drained to a sanitary sewer system.
- 24.4 In addition to information otherwise required by this Regulation, an applicant for a permit to construct a pool shall provide a plan at a scale of 1:50 showing the location, enclosure details, depth and dimensions of the pool and its structural details, and all water supply piping, waste piping and appurtenances.

Fire suppression systems

- 25.1 *Fire suppression systems* must be installed in all two family dwellings, townhouse dwellings and apartment dwellings, as defined in the zoning regulation of the Tsawwassen First Nation, for which a building permit application is made after the date of enactment of this Regulation.
- 25.2 *Fire suppression systems* must be installed in all two family dwellings, townhouse dwellings and apartment dwellings, as defined in the zoning regulation of the Tsawwassen First Nation, where all additions, repairs or structural alterations made or proposed to be made in any period of 24 consecutive months after the date of enactment of this Regulation add 50 square meters or more to the floor area of any individual dwelling unit within the building existing on the date on which the building permit application is made.
- 25.3 *Fire suppression systems* must be installed in all detached portable classrooms and auto body shops in which spray coating operations are conducted, for which a building permit application is made after the date of enactment of this Regulation.
- 25.4 *Fire suppression systems* must be installed in all single family dwellings for which a building permit application is made after the date of enactment of this Regulation, where an adequate water supply for fire fighting as referenced by the *Fire Underwriters Survey Guide*, *Water Supply for Public Fire Protection*, or *National Fire Protection Association 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting* is not available, and the Fire Chief requires such installation.
- 25.5 The design of every *fire suppression system*, including modifications to existing systems, shall be prepared by a *registered professional*.
- 25.6 All *fire suppression systems* shall be installed in accordance with the National Fire Protection Association standards, the *Building Code* and any other applicable enactment by a person who possesses a British Columbia tradesman's qualification certification as a plumber or certified sprinkler installer.
- 25.7 Where *residential occupancies* occur in combination with other *occupancies*, and the *Building Code* does not require the building to be equipped with a *fire suppression system*, only the residential portions of the *building* must comply with this Part 25.

Damage to tsawwassen first nation works

- 26.1 An application for a building, demolition or moving permit shall, prior to the issuance of the permit, deposit with the Tsawwassen First Nation a damage deposit as set out in Schedule A as security for the repair or replacement of any highway including sidewalks and boulevards, a public work or any other Tsawwassen First Nation property altered or damaged by any activity related to the subject matter of the permit.
- 26.2 Except to the extent that the security has been used by the Tsawwassen First Nation to carry out such repair or replacement, it shall be returned with any interest that may have accrued to the person who provided it, following an inspection of Tsawwassen First Nation property after completion of the work authorized by the permit and any final lot grading work.
- 26.3 Any repair or replacement of Tsawwassen First Nation property the cost of which exceeds the amount of the security is the responsibility of the *land holder*.

Demolishing and moving buildings

- 27.1 In addition to the other requirements of this Regulation, an applicant for a permit to move or demolish a *building* shall arrange with the Tsawwassen First Nation for water and sewer services to be capped at the applicants cost prior to the issuance of the permit.
- 27.2 No person shall move or cause any *building* to be moved from one location to another in the Tsawwassen First Nation lands without first obtaining a building permit for the site to which the *building* is to be moved.

- 27.3 Every application for a permit to move a *building* shall identify the site of the *building* to be moved and the site to which the building is to be moved. Evidence of permission from all authorities having jurisdiction to use the public highways and a route map shall be provided.
- 27.4 No *building* shall be moved from one location to another within Tsawwassen First Nation lands unless the *building* will comply with the requirements of the *Building Code*, the zoning regulation and other applicable regulations of the Tsawwassen First Nation upon completion of construction at its new location.
- 27.5 The *land holder* shall dispose of all demolition and moving debris in accordance with all applicable enactments, leave the site in a safe and sanitary condition, and arrange for a *building official* to inspect the site prior to removing all demolition or moving equipment from the site.
- 27.6 An applicant for a demolition or moving permit shall pay the permit fee and damage deposit set out in Schedule A.

Penalties and enforcement

- 28.1 Every person who contravenes any provision of this Regulation commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months.
- 28.2 Every person who fails to comply with any order or notice issued by a *building official*, or who allows a violation of this Regulation to continue, contravenes this Regulation.
- 28.3 A *building official* may order the cessation of any work that is proceeding in contravention of the *Building Code* or this Regulation by posting a Stop Work notice.
- 28.4 The *land holder* of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this Regulation have been substantially complied with and the Stop Work notice has been rescinded in writing by a *building official*.
- 28.5 Where a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of section 6.3 of this Regulation, a *building official* may post a Do No Occupy notice on the affected part of the *building* or *structure*.
- 28.6 The *land holder* of property on which a Do Not Occupy notice has been posted, and every person, shall cease occupancy of the *building* or *structure* immediately and shall refrain from further occupancy until all applicable provisions of the *Building Code* and this Regulation have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a *building official*.
- 28.7 Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in Schedule A of this Regulation.
- 28.8 The offences in Schedule B of this Regulation are designated for enforcement under the *Tsawwassen First Nation Community Governance Act* or the *Tsawwassen First Nation Laws Enforcement Act*.
- 28.9 The Building Inspector is designated as an enforcement officer for the purposes of this Regulation.

Severability

- 29.1 The provisions of this Regulation are severable and the invalidity of any part of this Regulation shall not affect the validity of the remainder of this Regulation.

Forms and schedules

30.1 Forms 1 and 2 and Schedule A and B to this Regulation form a part of this Regulation.

Fees and charges

31.1 Fees and Charges for services that may be or are provided under this Regulation shall be payable as set out in the *Tsawwassen First Nation Fees and Charges Regulation, 2009*.

SCHEDULE A

Schedule of Fees & Charges Tsawwassen First Nation Building Construction Regulation, 2009
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Category	Type	Rate	Unit	Mini- mum	Maxi- mum	Comment
I Permit Fees						
Building Permits	Fee					No fee if calculated fee is less than Plan Processing Fee: 75% refund if no work started. Fee for complex building is 80% of the calculated fee
First \$ 50,000 value		\$10 per	\$ 1,000			
Next \$250,000 value		\$ 8 per	\$ 1,000			
Next \$1,700,000 value		\$ 5 per	\$ 1,000			
Next \$2,000,000 value		\$ 3 per	\$1,000			
Partial Permit	Fee	\$200 per	building			In addition to BP Fee
Extension or Renewal	Fee	\$ 50 per	Permit			
Temporary Building	Fee	\$500 per	building			
Moving Building	Fee	\$ 100 per	building			Plus cost of capping utility services, insurance
Plumbing	Fee	\$ 12 per	fixture	\$ 36		
Masonry	Fee	\$ 50 per	flue			
Retaining Wall	Fee	\$ 50	each			
Fire Suppression System	Fee	\$ 50 per	system			
Demolition Permits	Fee					
Accessory Building		\$ 50 per	building			
Single or Two-Family Building		\$200 per				
All other buildings		\$ 500 per	building			
Plan processing	Fee	\$ 75 per	application			All applications
Air or Street Occupancy	Fee	\$ 100	each			
Additional Charges						

Complex Building Deposit	Cash/ LoC	20%	Building permit fee			Deposit less costs after final inspection
Equivalencies	Fee	\$ 100		\$100		
Building Inspector		\$ 55	Per hour			
Code professional		\$ 140	Per hour			
Work in advance of permit issuance	Fee					
Surcharge on permit fee		Twice	Usual rate		\$500	Max additional charge if no Stop Work Order
If Stop work order <30 days		+25%	Usual rate			
Extra inspection	Fee	\$ 100 per	inspection			After 2 nd inspection
Damage Deposits						
Single Family / Duplex Residential	Cash/ LoC	\$ 100 per	lot			Deposit less costs refunded after final inspection
Multi-family residential	Cash/ LoC	\$1000 per	unit			Deposit less costs refunded after final inspection
Other than residential	Cash/ LoC	\$ 1.50 per	Metre of frontage	\$2,500		Deposit less costs refunded after final inspection
Demolition, moving	Cash/ Loc	\$1,000 per	permit			Deposit less costs refunded after final inspection
Re-inspection of repairs	Fee	\$ 100 per	inspection			
Temporary building deposit	Cash/ LoC	\$1,000 per	building			Deposit less costs refunded after final inspection
Air/street occupancy	Cash/ LoC	\$1,000 per	Permit			Deposit less costs refunded after final inspection
Lot grading permit	Cash/ Loc	\$1,000 per	lot			Deposit less costs refunded after final inspection

TSAWWASSEN FIRST NATION
Building Construction Regulation, 2009
Form 1
Acknowledgements of Land holder

I acknowledge that the land holder of the land of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting safety, including the requirements of the Building Code in relation to soil conditions for building foundations.

I acknowledge that the land holder of the land is also solely responsible for determining whether the work authorized by this permit contravenes any covenant, easement, right of way, building scheme or other restriction affecting the building site, and whether the work requires the involvement of an architect under the *Architects Act* or an engineer or geoscientist under the **Engineers and Geoscientists Act**.

I acknowledge that the Tsawwassen First Nation provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting safety.

If the Tsawwassen First Nation has so indicated on this permit, I acknowledge that the Tsawwassen First Nation has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Tsawwassen First Nation by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

Name of Registered Land holder (please print)

**Signature of Registered Land holder or
Authorized Signatory of Corporate Land holder**

Date of Acknowledgement

TSAWWASSEN FIRST NATION
Building Construction Regulation, 2009
Form 2
Registered Professionals Proof of Insurance

Tsawwassen First Nation
#131 N Tsawwassen Drive
Delta, B.C.
V4M 4G2

ATTENTION: Chief Building Inspector

Re: _____ [civic address of project]

This is to confirm that the undersigned registered professional is insured by a policy of insurance covering liability to third parties for error and omissions, in the amount of at least One Million Dollars (\$1,000,000.00), in the provision of professional services in respect of the captioned project, ***a certificate of which insurance is attached.***

The undersigned will notify both the Building Inspector and the land holder who has engaged the undersigned to provide professional services in respect of the captioned project, in writing, of any termination of or change in the terms of the coverage provided by the policy, immediately upon being informed of or becoming aware of such termination or change.

Signature of Registered Professional [affix seal]

Name of Firm

Date:

SCHEDULE B

(Page 1 of 2)
Tsawwassen First Nation
Building Construction Regulation, 2009
Ticket Information Designations

Offence	Regulation Section Number	Fine
Construct building without permit	6.1	\$ 500.00
Install plumbing system without permit	6.2	\$ 500.00
Occupy building without report or contrary to permit or notice	6.3	\$ 500.00
Submit false or misleading information to building official	6.4	\$ 500.00
Tamper with notice, permit or certificate	6.5	\$ 500.00
Work at variance with permit	6.6	\$ 300.00
Obstruct entry of building official	6.7	\$ 500.00
Failure to obtain permit for construction of building	8.1 (a)	\$ 500.00
Failure to obtain permit for construction of plumbing system	8.1 (b)	\$ 500.00
Failure to obtain permit for construction of fireplace	8.1 (c)	\$ 500.00
Failure to obtain permit for construction of temporary building	8.1 (d)	\$ 500.00
Failure to obtain permit for moving building	8.2	\$ 500.00
Failure to obtain permit for demolishing building	8.3	\$ 300.00
Failure to obtain permit for installing solid fuel burning appliance	8.4	\$ 300.00
Failure to post permit on property	20.3 (a)	\$ 100.00
Failure to keep approved plans on property	20.3 (b)	\$ 100.00
Failure to post address on property	20.3 (c)	\$ 100.00
Failure to ensure site safety	20.3 (d)	\$1000.00
Occupy building without authorization	22.1	\$ 300.00
Failure to enclose pool within a building or fence	24.1	\$ 500.00
Failure to maintain or repair pool enclosure	24.2	\$ 500.00

SCHEDULE B
(Page 2 of 2)
Tsawwassen First Nation
Building Construction Regulation, 2009
Ticket Information Designations

Offence	Regulation Section Number	Fine
Failure to install fire suppression system in two family dwelling	25.1	\$ 500.00
Failure to install fire suppression system in repair of two family dwelling	25.2	\$ 500.00
Failure to install fire suppression system in portable classroom or auto body shop	25.3	\$ 500.00
Failure to install fire suppression system in single family dwelling	25.4	\$ 500.00
Move building without permit for site	27.2	\$ 300.00
Failure to leave site in safe and sanitary condition prior to removing equipment	27.5	\$1000.00
Failure to cease occupancy of building after notice posted	28.6	\$1000.00