

CITY OF SALMON ARM

BYLAW NO. 4725

A Bylaw to administer the Building Code and regulate construction in the City of Salmon Arm

WHEREAS the Council of the City of Salmon Arm may, by bylaw, regulate, prohibit and impose requirements in respect to buildings and structures for the following:

- (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- (b) the conservation of energy or water;
- (c) the reduction of greenhouse gas emissions;
- (d) the health, safety or protection of persons or property;

AND WHEREAS the Council of the City of Salmon Arm is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Salmon Arm in accordance with the *Community Charter* and the *Building Act*;

AND WHEREAS the Council of the City of Salmon Arm has employed trained building officials for the purpose of this bylaw;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

PART 1. TITLE

- 1.1. This bylaw may be cited as City of Salmon Arm “**Building Bylaw No. 4725**”.

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PART 3. SEVERABILITY

- 3.1 If a section, subsection, paragraph, or phrase in this bylaw is for any reason declared invalid by a court of lawful jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 4. INTERPRETATION

- 4.1. Every reference to this bylaw contained within it, or another **City** bylaw, or enactment of British Columbia, is a reference to the bylaw or legislation as amended, consolidated, or replaced from time to time.
- 4.2. Every reference to
- (a) the **Building Code** is a reference to the current edition as of the date of application the **building permit**, and
 - (b) a section of the **Building Code** is a reference to the applicable successor sections, as the Code or section may be amended or re-enacted from time to time.
- 4.3. Definitions of words and phrases used in this bylaw that are not defined in the this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Definitions

- 4.4. In this bylaw, the following words or terms have the meanings:
- (a) set out in s. 1.4.1.2. of the **Building Code** as of the date of the adoption of this bylaw: accessible, assembly occupancy, **building**, **building** area, **building** height, business and personal services occupancy, care occupancy, **constructor**, **coordinating registered professional**, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium-hazard industrial occupancy, mercantile occupancy, occupancy, post-disaster building, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;
 - (b) set out in the Schedule to the *Community Charter*; assessed value, highway, land, occupier, parcel, public authority, service and soil; and
 - (c) set out in s. 29 of the *Interpretation Act*: may, must, obligation, person, property, writing, written and year.
- 4.5. In this bylaw, specific words or terms are defined as follows:
- “**accepted**” means **reviewed** by the **building official** under the applicable provisions of the **Building Code** and this bylaw.
- “**addition**” means an **alteration** to any **building** which will increase the total aggregate floor area or the **building** height (in storeys), and includes the provision of two or more separate **buildings** with openings between each other for intercommunication.
- “**agent**” includes a firm, corporation or other person representing the **owner**, by written designation or contract, and includes a hired tradesperson or **constructor** who may be granted a **permit** for **work** within the limitations of his or licence.
- “**alternative solution**” means an **alternative solution** authorized under the **Building Code**.

“**alteration**” means a change, repair or modification of the **construction** or arrangement of or use of any **building** or **structure**, or to an occupancy regulated by this bylaw.

“**Architects Act**” means the current British Columbia **Architects Act** [SBC 1996] Ch. 17 as enacted or amended from time to time.

“**BC**” means British Columbia.

“**building**” means any **construction** used or intended for supporting or sheltering any use or occupancy and includes a **mobile home**.

“**Building Act**” means the current British Columbia’s **Building Act** [SBC 2015] Ch. 2 as enacted or amended from time to time.

“**Building Code**” means the British Columbia **Building Code** as adopted by the Minister responsible under BC legislation, as enacted or amended from time to time.

“**building official**” means the person designated in or appointed to that position by the **City** and other such person or persons as they may designate from time to time as their assistants. A Building Official may be a Servicing Officer.

“**change of use or occupancy**” means changing the use of a **building**, or portion of a **building**, to an alternative use, even if no **construction** or **alterations** are anticipated.

“**Community Charter**” means the current British Columbia **Community Charter** [SBC 2003] Ch. 26 as enacted or amended from time to time.

“**complex building**” means a **building** used for a major occupancy classified as

- (i) assembly occupancy;
- (ii) care or detention occupancy;
- (iii) high hazard industrial occupancy;
- (iv) treatment occupancy; or
- (v) post-disaster **building**;

And, a **building** exceeding 600m² in **building** area or three storeys used for a major occupancy classified as

- (vi) residential occupancy;
- (vii) business and personal services occupancy;
- (viii) mercantile occupancy; or
- (ix) medium and low hazard industrial occupancy;

“**coordinating registered professional**” means a registered professional retained pursuant to the **Building Code** to coordinate all design **work** and field reviews of the registered professionals required for a development.

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

“**City**” means the **City** of Salmon Arm.

“**City Engineer**” means the **City of Salmon Arm** Engineer or their designate.

“Director” means the person, or their designate, holding the senior office responsible for planning and development for the City of Salmon Arm.

“Engineers and Geoscientists Act” means the current British Columbia **Engineers and Geoscientists Act** [SBC 1996] Ch. 116 as enacted or amended from time to time.

“Environmental Management Act” means the current British Columbia Environmental Management Act [SBC 2003] Ch. 53 as enacted or amended from time to time.

“existing”, in respect of a **building**, means the portion of a **building constructed** prior to the submission of a **permit** application required under this bylaw.

“farm building” means a building or structure of “low-human occupancy” as set out in the National Farm Building Code of Canada such as silo, hay shed, greenhouse, or barn devoted to livestock, poultry, farm equipment, or storage for items such as feed, produce, grain, hay, pesticides and fertilizers. For clarity, a **farm building** does not contain any residential or accessory residential use or occupancy such as vehicle garages, workshops, and similar or any farm retail or processing facilities.

“foundation” means a system or arrangement through which the loads from a **building** are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a **building** that lie below the finished grade immediately adjacent to the **building**.

“GHG” means greenhouse gas.

“health and safety aspects of the work” means design and **construction** regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the **Building Code**; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.

“manufactured home” means **mobile home** or **modular home** as defined in this bylaw.

“mobile home” means a **manufactured home** constructed to the requirements of the CSA National Standard CAN/CSA-Z240 MH Series-09 or any preceding or replacement standard and excludes any Recreational Vehicle or Park Model.

“modular home” means a **manufactured home** conforming to the requirements of the CSA National Standard CAN/CSA A277-08 or any preceding or replacement standard for certified factory-built units.

“on-site services” means utilities and features which provide for servicing a **project** within the parcel on which it is located and includes water service piping and distribution systems, storm and sanitary sewer collection, access roads, natural gas, electric and cable.

“off-site services” means services required pursuant to any **City** Subdivision and Development Bylaw, that are required to be located on public road, public land or statutory right-of-way at final approval of the subdivision or development, as the case may be.

“owner” means the registered **owner** of an estate in fee simple land, or an **agent** duly authorized by the **owner** in writing in the prescribed form, and where the context or circumstances require

- (a) a lawfully designated signing officer for corporate-owned property;
- (b) a tenant for life under a registered life estate;
- (c) a registered holder of an agreement for sale;

- (d) a holder or occupier of land held in the manner mentioned in s. 228 and 229 of the *Community Charter*; or
- (e) a lessee with authority to build on land.

“**permit**” means permission or authorization in writing by the **building official** to perform **work** regulated by this bylaw and, in the case of an occupancy, to occupy a **building** or part thereof.

“**pool**” means a **structure** or **constructed** depression used or intended to be used for swimming, bathing, ornament or diving which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground or sunken hot tub.

“**professional design**” means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional.

“**project**” means any **construction** operation.

“**Public Health Act**” means the current British Columbia **Public Health Act** [SBC 2008] Ch. 28 as enacted or amended from time to time.

“**qualified plumber**” means a person who holds a current *Certificate of Qualification* issued by the Province of British Columbia as a journeyman plumber for which a statement of compliance and assurance is being provided pursuant to Certificate of Plumbing Test.

“**retaining wall**” means any **structure** other than a **building** that holds or retains soil or other earth material behind it.

“**reviewed**” means **reviewed** by the **building official** under the applicable provisions of the **Building Code** and this bylaw.

“**simple building**” means a **building** of three storeys or less, having a total **building** area not exceeding 600m² and used for a major occupancy classified as

- (a) residential occupancy;
- (b) business and personal services occupancy;
- (c) mercantile occupancy; or
- (d) medium and low hazard industrial occupancy.

“**Step Code**” means the BC Energy **Step Code** as references in the British Columbia (BC) **Building Code** s. 9.36.6 as amended from time to time.

“**structure**” means a **construction** or portion of **construction**, of any kind, whether fixed to, supported by or sunk into land, airspace or water, and includes **foundations** or supporting **framework** for exterior signs, equipment and machinery, interior storage racking greater than 2.6m in height, **retaining walls** and **pool** fences, but specifically excludes fences and landscaping.

“**temporary building**” includes a sales or **construction** office; a **structure** to store items during **construction** or a seasonal use **building** associated with farming or a special event.

“**temporary residence**” includes a dwelling unit that provides assisted living or accommodations during **construction** of a new dwelling, both as provided for in the **City Zoning Bylaw**.

“**work**” means the same as **construct** or **construction** as defined in this bylaw.

“value of the work” means the completed **building** value of all construction or **work** related to the **building** including finishes, roofing, electrical, plumbing, heating, air-conditioning, fire extinguishing systems, elevators and any other **building** service equipment and materials.

“Zero Carbon Step Code” means the greenhouse gas (GHG) emission requirements set out in Part 9, s.9.37 - Greenhouse Gas Emissions and Part 10, s. 10.3 of the **Building Code**.

PART 5. PURPOSE OF THE BYLAW

- 5.1. Despite any other provisions in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 5.2. Every **permit** issued under this bylaw is issued expressly subject to the provisions of this Part.
- 5.3. This bylaw is enacted to regulate, prohibit and impose requirements in regard to **construction** in the **City** to serve the public interest.
- 5.4. The purpose of this bylaw does not extend to
 - (a) the protection of **owners**, designers, **constructors**, or other persons from economic loss;
 - (b) the assumption by the **City** or any **building official** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors** or designers retained by the **owner**, with the **Building Code**, the requirements of this bylaw, or other applicable enactments, codes or standards;
 - (c) providing any person a warranty of design or **workmanship** with respect to any **building** or **structure** for which a **building permit** or occupancy **permit** is issued under this bylaw;
 - (d) providing any person a warranty or assurance that **construction** undertaken under any **building permit** issued by the **City** is free from latent, or any, defects; or
 - (e) the protection of adjacent real property from incidental damage or nuisance.

PART 6. SCOPE & EXEMPTIONS

Application

- 6.1. This bylaw applies to the geographical area of the **City** and to land, the surface of water, air space, **buildings** or **structures** in the **City**.
- 6.2. This bylaw applies to the design, **construction** or occupancy of new **buildings** or **structures**, and the **alteration**, **reconstruction**, demolition, removal, relocation or occupancy or **change of use** or **occupancy** of **existing buildings** and **structures**.
- 6.3. This bylaw does not apply to
 - (a) a one storey accessory **building** with a floor area of less than 10m², that does not constitute a potential unsafe condition;
 - (b) a trellis or arbour;
 - (c) a fence, except where serving as a **retaining wall** as set out in Part 24 of this bylaw;
 - (d) a **retaining wall** supporting soil that is:
 - (i) less than 1.2m in height,
 - (ii) a sequence of **retaining walls** less than 1.2m in height spaced greater than two horizontal to one vertical, and
 - (iii) in the opinion of the **building official**, not a potential unsafe condition;
 - (e) landscaping;
 - (f) bridges other than pedestrian and vehicular bridges attached to **buildings**;

- (g) docks or wharves;
- (h) unroofed decks or patios which are less than 600mm from the ground or finished grade;
- (i) factory-built components complying with CAN/CSA-Z240 MH Series standard, but this exemption does not extend to on site preparations (**foundations**, blocking), connection to services and installation of appliances;
- (j) **farm buildings**, as defined in Part 4 of this bylaw, of less than 600m² in gross floor area but only if sited on land assessed as “Farm” under the *BC Assessment Act* and provided support space such as a washroom, office, control room, and similar human occupancy is limited to 10% of gross floor area to a maximum of 20m²;
- (k) repair and maintenance of lawfully-conforming **structures** where the level of life safety and **building** performance shall not be decreased below a level that already exists;
- (l) interior cosmetic renovations having no plumbing or structural changes and no Building Code implications;
- (m) the cleaning or repair of mechanical heating and ventilation systems; and
- (n) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the **work** does not involve or require the rearrangement of valves, pipes or fixtures or hot water tanks.

Limited Application to Existing Buildings

- 6.4. Except as provided in the **Building Code** or to the extent an **existing building** is under **construction** or does not have an occupancy **permit**, when an **existing building** has been **constructed** before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the **building** must be **reconstructed** and altered, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 6.5. This bylaw applies if the whole or any part of an **existing building** is moved or relocated either within or into the **City**, including relocation relative to parcel lines created by subdivision or consolidation. Part 15 applies to **building** relocation.
- 6.6. If an **alteration** is made to an **existing building**, the **alteration** must comply with this bylaw and the **Building Code** and the entire **building** must be made to comply with this bylaw and the **Building Code**, but only to the extent necessary to addresses any new infractions in the remainder of the **building** as a result of the **alteration**.
- 6.7. If an **alteration** creates an **addition** to an **existing building**, the **alteration** or **addition** must comply with this bylaw and the **Building Code**; and, the entire **building** must be made to comply with this bylaw and the **Building Code**, but only to the extent necessary to address any new infractions introduced in the remainder of the **building** as a result of the **alteration** or **addition**.

PART 7. PROHIBITIONS

- 7.1. A person must not commence or continue any **construction**, **alteration**, **reconstruction**, **demolition**, **removal**, **relocation** or change the use or occupancy of any **building** or **structure**, including other **work** related to **construction**;
 - (a) except in conformity with the requirements of the **Building Code** and this bylaw; and
 - (b) unless a **building official** has issued a valid and subsisting **permit** under this bylaw for the **work**.
- 7.2. A person must not occupy or **permit** the occupancy of any **building** or **structure** or part of any **building** or **structure**

- (a) unless a subsisting occupancy certificate has been issued by a **building official** for the **building** or **structure** or the part of the **building** or **structure**; or
 - (b) contrary to the terms of any **permit** issued or any notice given by a **building official**.
- 7.3. 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 bylaw.
- 7.4. Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been **reviewed** by the **building official**, or plans and supporting documents which have been filed for reference with the **building official** after a **permit** has been issued.
- 7.5. 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 or affixed to a **building** or **structure** pursuant to this bylaw.
- 7.6. A person must not do any **work** that is substantially at variance with the **reviewed** design or plans of a **building**, **structure** or other **works** for which a **permit** has been issued, unless that variance has been authorized, in writing, by a **building official**.
- 7.7. A person must not interfere with or obstruct the entry of a **building official** or other authorized official of the **City** on property in the administration of this bylaw.
- 7.8. A person must not **construct** on a parcel unless the civic address and permit placard are conspicuously posted so as to be read from the public highway from which it is addressed.
- 7.9. A person must not contravene an administrative requirement made by a **building official** under s. 8.6 or any other provision of this bylaw.
- 7.10. A person must not change the use, occupancy or both of all or a part of a **building** or **structure** without first applying for and obtaining a **building permit** under this bylaw.
- 7.11. A person must not cover or conceal any **works** required to be inspected under this bylaw without first obtaining written acceptance from a **building official**.
- 7.12. A person must not continue any **work** if a *Stop Work Order* is posted by a **building official** other than the remedial actions required by the notice.
- 7.13. A person must not occupy a **building**, **structure**, or part of a **building** or **structure** if a *Do Not Occupy Notice* is posted by a **building official**.

PART 8. POWERS OF A BUILDING OFFICIAL

Administration

- 8.1. Words defining a **building officials'** authority shall be construed as internal administrative powers and not as creating a duty.
- 8.2. A **building official** may:
 - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, **permits**, notices and orders issued, inspections and tests made, and may retain copies of all digital, or hard copy papers and documents connected with the administration of this bylaw;

- (c) establish or require an **owner** to establish whether a method or type of **construction** or material used in the **construction** of a **building** or **structure** complies with the requirements and provisions of this bylaw and the **Building Code**; and
- (d) direct that tests of materials, equipment, devices, **construction** methods, structural assemblies or **foundations** be carried out, or that sufficient evidence or proof be submitted by the **owner**, or at the **owner's** sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, **construction** or **foundation** condition complies with this bylaw and the **Building Code**.

Refusal and Revocation of Permits

- 8.3. A **building official** may refuse to issue a **permit**, and must provide reasons in writing, where or how in their opinion:
- (a) the proposed **work** will contravene the requirements of the **Building Code** or the provisions of this or any other bylaw of the **City**; or
 - (b) the results of the tests on materials, devices, **construction** methods, structural assemblies or **foundation** conditions are not satisfactory to the **building official**; or
 - (c) the applicant or **owner** has been notified of a violation of this or any other bylaw of the **City** with regard to **construction**, occupancy or use any **building**, **structure** or part thereof, and such violation has not been remedied; or
 - (d) notice pursuant to s. 57 of the *Community Charter* is or is proposed to be registered on the parcel title and the **work** under the **permit** will not correct the violation(s); or
 - (e) the parcel referred to in the **permit** application does not:
 - (i) have vehicular access; or
 - (ii) meet requirements of other **City** bylaws.
- 8.4. A **building official** may revoke a **permit**, by notice in writing to the **owner**, if in the opinion of the **building official**, there is a violation of:
- (a) a condition under which the **permit** was issued;
 - (b) a requirement of the **Building Code** or of this bylaw or another **City** bylaw;
 - (c) the **permit** was issued in error;
 - (d) the Homeowner Protection Act, including cancelling or terminating registration;
 - (e) the **permit** was issued on the basis of false or incorrect information; or
 - (f) the results of any required testing is not satisfactory to the **building official**.

Right of Entry

- 8.5 Subject to s. 16 of the *Community Charter*, a **building official** may enter any property or building at any time to ascertain if the requirements of this bylaw are being met, or if the **building official** has any reason to believe that an unsafe condition exists.

Powers

- 8.6 Subject to applicable enactments, a **building official** may, by notice in writing, require:
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an **owner** to stop **work** on a **building** or **structure**, or any part thereof, if the **work** is proceeding in contravention of this bylaw, the **Building Code**, or any other enactment of the **City** or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter any property to affix or post a stop **work** order in the prescribed form;
 - (c) an **owner** to remove or prevent any unauthorized encroachment on public land, a statutory right of way or easement, or a setback or yard required under an enactment;
 - (d) an **owner** to remove any **building** or **structure**, or any part of a **building** or **structure**, **constructed** in contravention of a provision of this bylaw;

- (e) an **owner** to have **work** inspected by a **building official** prior to covering;
- (f) an **owner** to uncover and replace, at the **owner's** expense, any **work** that has been covered without inspection contrary to this bylaw or an order issued by a **building official**;
- (g) a person to cease any occupancy if any unsafe condition exists because of **work** being undertaken, but not complete, and where no occupancy certificate has been issued;
- (h) a person to cease any occupancy in contravention of this bylaw; and
- (i) an **owner** to correct any unsafe condition and any **work** that contravenes this bylaw, the **Building Code**, or any other enactment.

8.7 Every reference to “**owner**” in s. 8.6 includes a reference to the **owner's agent** or **constructor**.

8.8 Every person served with a notice under this part must comply with that notice:

- (a) within the time ordered, or
- (b) if no time is ordered, immediately.

PART 9. OWNER'S RESPONSIBILITIES

Owner's Obligations

- 9.1. Subject to Part 12 of this bylaw, every **owner** must apply for and obtain a **permit**, prior to
- (a) **construction** or replacement of new **buildings** and **structures**;
 - (b) **additions** to **buildings** or **structures**;
 - (c) interior and exterior **alterations** of **buildings** and **structures**, where applicable;
 - (d) **construction** of **foundations** for and installation of **manufactured homes**;
 - (e) installation, **alterations** and **additions** of plumbing systems,
 - (f) installation and **alteration** of fire protection sprinkler systems;
 - (g) installation of **temporary buildings**, including fabric covered **structures** with a coverage area over 46m²;
 - (h) installation or **alteration** of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;
 - (i) **construction**, installation, or **alteration** of chimneys or fire places;
 - (j) **construction**, **additions**, or **alterations** of **on-site services** for **manufactured home** parks, campgrounds or recreation vehicle parks.
- 9.2. Every **owner** and every **owner's agent**, must carry out **construction** or have the **construction** carried out in accordance with the requirements of the **Building Code**, this bylaw and other bylaws of the **City**; moreover, neither issuance of a **permit** under this bylaw, review of plans and supporting documents, nor inspections made by a **building official** or a registered professional shall relieve the **owner**, or his or her **agent**, from full and sole responsibility to perform the **work** in strict accordance with this bylaw, the **Building Code** and all other applicable codes, standards and enactments.

Damage to Municipal Works

- 9.3. Every **owner** to whom a **permit** is issued is responsible for the cost to repair any damage to **City works** or lands that occurs or arises directly or indirectly from the **work** authorized by the **permit**.
- 9.4. In addition to payment of any security deposit under **City** bylaws, every **owner** must pay to the **City**, within 30 days of receiving an invoice for same from the **City** and prior to Occupancy, the cost to repair any damage to public property or **works** located on public property arising directly or indirectly for which a **permit** was issued.

Notice

- 9.5. Every **owner** must give written or online notice to a **building official** of any change in or termination of engagement of a registered professional, including a **coordinating registered professional**, during **construction**, within one business day of such change or termination.
- 9.6. If an **owner** or a registered professional terminates the engagement of the registered professional, including a **coordinating registered professional**, the **owner** must cease all **work** until the **owner** has engaged a new registered professional, including a **coordinating registered professional**, and has delivered to a **building official** new letters of assurance in the form of a Schedule A and/or B as outlined in the **Building Code**.
- 9.7. Every **owner** must give at least 24 hours' written notice to a **building official** of their intent to do **work** that is required or ordered to be corrected during **construction**.
- 9.8. Every **owner** must give notice in writing, to a **building official**, and pay the non-refundable fee set out in the **City Fee for Services Bylaw** immediately upon any change in ownership or **owner's** address, which occurs prior to occupancy certificate issuance and **permit** completion.
- 9.9. Every **owner** shall obtain, prior to the occupancy of a **building** or part thereof, written permission from the **building official**, generally in the form of an occupancy certificate.

PART 10. OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 10.1. Every **constructor** must ensure that all **construction** is in compliance with the **Building Code**, this bylaw and all other applicable codes, standards and enactments.
- 10.2. Every **constructor** must ensure that no excavation or other **work** is undertaken on public property, and that no public property is disturbed, and no materials stored, in whole or in part, on public property without first having obtained approval in writing from the appropriate authority over such public property.
- 10.3. For the purposes of the administration and enforcement of this bylaw, every **constructor** is responsible jointly and severally with the **owner** for all **work** undertaken.

PART 11. REGISTERED PROFESSIONAL'S RESPONSIBILITIES**Professional design and field review**

- 11.1 The provision by the **owner** to the **City** of letters of assurance in accordance with **Building Code** requirements shall occur prior to:
 - (a) for a **complex building**, the pre-occupancy site review coordinated by the **coordinating registered professional** or other registered professional; or
 - (b) for a **simple building**, an occupancy inspection where letters of assurance have been required in accordance with the requirements of the **Building Code**, in which case the **owner** must provide the **City** with letters of assurance in the form of Schedules C-A or C-B, as appropriate.
- 11.2 If a registered professional provides letters of assurance in accordance with the **Building Code**, they must also provide proof of professional liability insurance to the **building official** at time of **permit** application or ensure such record is current and on file with the **City**.

Requirement for a Registered Professional

- 11.3 The **owner** must retain a registered professional to provide a **professional design** and plan certification and letters of assurance in the form of Schedules A , B, C-A and C-B as referred to in the **Building Code**, in respect of a **permit** application
 - (c) prior to the pre-occupancy site review coordinated by the **coordinating registered professional** or other registered professional for a **complex building**; or

- (d) prior to an occupancy inspection for a **simple building** in circumstances where letters of assurance have been required in accordance with the requirements of the **Building Code**, in which case the **owner** must provide the **City** with letter of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in the **Building Code**;
- (e) for a **building** that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the **Building Code**;
- (f) prior to **alterations** to a **building**, or to structural component of a **building** described in paragraph (b);
- (g) for a **building** in respect of which the **building official** determines that site conditions, size or complexity so warrant in the interests of safety or persons or protection of property under the **Building Code**;
- (h) if the **building** envelope components of the **building** fall under Division B, Part 3 of the **Building Code**, the **building** contains more than 5 (five) dwellings, or if the **building** envelopes do not comply with the prescriptive requirements of Division B, Part 9 of the **Building Code**; and
- (i) for a parcel on which a **building** or **structure** is proposed if the **building official** believes the land is or is likely to be subject to flooding (including high ground water), mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche; the requirements for a **professional design** are in addition to a requirement under Division 8 of Part 3 of the *Community Charter*:
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering providing assurance that the parcel may be used safely for the use intended, at the cost of the **owner**; and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the **Building Code** and applicable bylaws of the **City**.

11.4 The **building official** may require any registered professional carrying out the **professional design** and field review required under Part 11 to provide evidence that they hold experience and expertise in respect of the **professional design** and field review of the context and scope required; and, at the discretion of the **building official**, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.

PART 12. REQUIRED PERMITS

- 12.1. A **permit** is required whenever **work** regulated by this bylaw is to be undertaken and every **owner** must apply for and obtain a **permit**, prior to
- (a) **construction** or placement of new **buildings** and **structures**;
 - (b) **constructing additions** to **buildings** and **structures**;
 - (c) structural **alterations** of **buildings** and **structures**;
 - (d) renovation or **alteration** which involves **Building Code** provisions or requirements;
 - (e) **construction** of **foundations** for and the installation of **manufactured homes**;
 - (f) installation and **alterations** of plumbing systems, including solar hot water systems;
 - (g) installation and **alteration** of fire protection sprinkler systems;
 - (h) installation and **alteration** of fire alarm systems;
 - (i) repair and **alteration** of fire separation assemblies;
 - (j) installation of **temporary buildings**; including fabric covered **structures** with a coverage area over 46m²;
 - (k) installation or **alteration** of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;
 - (l) **construction**, installation or **alteration** of chimneys or fireplaces;

- (m) **construction of retaining walls**
 - (i) over 1.2m in height,
 - (ii) a sequence of **retaining walls** less than 1.2m in height but spaced less than two horizontal to one vertical, or
 - (iii) in the opinion of the **building official** constitutes a potential unsafe condition;
- (n) the moving or relocating of new or **existing buildings**, including site **construction**;
- (o) **construction or alteration of pools or pool fences**;
- (p) change of occupancy classification for a **building** or part of a **building**;
- (q) **construction** of a secondary suite or accessory dwelling unit;
- (r) demolition of **buildings or structures**; and
- (s) new or altered driveway access, sidewalk(s) and crossover(s) to a **City** highway.
- (t) unless the **works** comprise an approved part of another valid and subsisting **building permit**.

Additional Permits

12.2 Where required, separate permits and inspections may be required in the following cases:

- (a) **Building Relocation** in accordance with Part 18;
- (b) Demolition or partial demolition of **buildings** in accordance with Part 19;
- (c) Fire Alarms in accordance with Part 20;
- (d) Mechanical Ventilation or Heating Systems in accordance with Part 21;
- (e) Plumbing and Fire Suppression Systems in accordance with Part 22;
- (f) **Pool Permit** in accordance with Part 23;
- (g) **Retaining walls** in accordance with Part 24; and
- (h) **Temporary buildings** in accordance with Part 25.

PART 13. CONDITIONS OF PERMIT

- 13.1. A **permit** or an application for a **permit** may not be transferred or assigned until the **owner** has notified the **building official** in writing; the **building official** has authorized the transfer or assignment in writing and the **owner** has paid the required fee. **Building permit** transfer or assignment is not an extension of a **building permit**.
- 13.2. The review of plans and supporting documents and issuance of a **permit** do not prevent the **building official** from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting **building construction** or prohibiting occupancy when in violation of the **Building Code** or this or another bylaw.
- 13.3. Neither the issuance of a **permit**, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the **City** will in any way
 - (a) relieve the **owner** (and if the **owner** is acting through an **agent**, the **agent** of the **owner**) from full and sole responsibility to perform the **work** in respect of which the **permit** was issued in strict compliance with this bylaw, the **Building Code**, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the **Building Code**, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
 - (c) constitute a representation or warranty that the **building or structure** meets any standard of materials or workmanship.

Alternative solutions

- 13.4. An **owner** who wishes to provide **alternative solutions** to satisfy one or more **Building Code** or bylaw requirements must submit sufficient evidence, certified by a professional engineer, Architect or qualified person(s), to demonstrate that the proposed **alternative solutions** will meet the level of performance required by the **Building Code** or this bylaw.

Shipping Containers

- 13.5. Where any shipping container is a permitted use for storage under the **City Zoning Bylaw**, no **building permit** is required but where an occupancy or use of a shipping container as a **building** or **building** component is proposed, a professional engineer must be retained to satisfy the **alternative solution** process set out in s. 13.4.

PART 14. GENERAL PERMIT APPLICATION REQUIREMENTS

- 14.1 The **Director** shall prescribe the form of applications, notices, permits, certificates, and orders for matters within the scope of this bylaw and in so doing, may prescribe different forms for different matters; where, such forms will require, but not be limited to, the following:
- (a) name and contact information of the **owner** and **agent** delegated on their behalf;
 - (b) disclosures such as a condition upon lands, history of **buildings**, and the intended use of lands and **buildings**;
 - (c) copy of certificate of title issued not more than 30 days prior to application submission, including applicable encumbrances registered thereupon;
 - (d) signed acknowledgement of **owner's** responsibilities and undertakings; and
 - (e) site plans, surveys, surveyor site certificates, geotechnical reports, **building** plans and specifications, utility information, engineering, **Building Code** compliance reports, **building** or **structure** assessments, and any similar **building** supporting information.
- 14.2 Every **building** or **structure** or part thereof to be constructed on a parcel requires a separate **building permit** and shall be assessed a separate fee.
- 14.3 No **permit** shall be issued to **construct** an accessory **building** or **structure**, unless the principal building to which the accessory **building** or **structure** is accessory to has been constructed, or has been issued an active **building permit**.
- 14.4 Prior to an application for any **permit** for a **simple** or **complex building**, the **owner** must satisfy the following requirements or conditions, where applicable:
- (a) if the **building** or **structure** is designated as a development permit area by the **City Official Community Plan**, apply for and obtain a development **permit**;
 - (b) compliance with all bylaws of the **City**, except to the extent a where a lawful variance of a bylaw is authorized;
 - (c) an approved subdivision plan registered in the Land Title Office creating the parcel upon which the proposed **building** or **structure** is proposed to be **constructed**;
 - (d) the person applying for the **building permit** must provide evidence that the person is either the **owner** of the parcel subject of the proposed **permit**, or is the **agent** of the **owner**, in which case, the **agent** must provide the name and contact information of the **owner**;
 - (e) the subject parcel or **building** is or will be addressed in accordance with **City** bylaws;
 - (f) for any **building** or **project** governed under the *Homeowner Protection Act*, the **owner** must submit proof of application for registration of or exemption from a home warranty, and where applicable, proof that the constructor is a licensed builder; and
 - (g) where on-site and off-site **works** and services required by **City** bylaw or other enactments have not been completed in accordance with the enactments, the **owner** must enter into a completion agreement with the **City** and deliver to the **City** letters of credit or cash security for completion of the **works** and services.

- 14.5 Further to s. 14.4, where City bylaws do not require extension, expansion or connection to City services:
- (a) if the parcel or **building** is not intended to be connected to the **City** sewage disposal system, the **owner** must apply for and obtain approval from the **City** and applicable public authorities for an alternate private sewage disposal system and submit said approval;
 - (b) if the parcel or **building** is not intended to be connected to the **City** water system, the **owner** must apply for and obtain approval from the **City** and applicable public authorities for an alternate water supply system and submit said approval; and
 - (c) if the parcel or **building** is not intended to be connected to the **City** storm water system, must design, construct and obtain approval from the City for an on-site storm water management and drainage system.

Building Permit Application – Simple and Complex Buildings

- 14.6 An application for a **building permit** for any **complex** or **simple building** must:
- (a) be made in the prescribed form and signed by the **owner**, or a designated **agent**;
 - (b) pay application fee(s) as prescribed in the **City** Fee for Services Bylaw;
 - (c) be accompanied by the **owner's** acknowledgement of responsibility and undertaking in the prescribed form and signed by the **owner**, or designated **agent**;
 - (d) include a copy of the subject parcel title, dated within 30 days of the application;
 - (e) include a copy of a survey plan prepared by a BC Land Surveyor except that the **building official** may waive this requirement, in whole or in part, where conditions warrant;
 - (f) include two copies of a comprehensive site plan in conformance to s. 14.7;
 - (g) include two copies of floor plans showing the dimensions and uses and occupancy classification of all rooms and spaces, including crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
 - (h) include two copies of a minimum of two cross-sections through the **building** or **structure** in sufficient detail and location to illustrate **foundations**, drainage, ceiling heights and **constructions** systems, including thermal and **building** envelope assemblies illustrate that the **building** conforms to the **Building Code**;
 - (i) include two copies of all elevations of the **building** or **structure** showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the **Building Code** and to illustrate that the **building** or **structure** conforms with the **City** Zoning Bylaw and, if applicable, the subject development **permit**;
 - (j) upon request by the **building official**, include a **construction** fire safety plan, material staging and trucking route plan;
 - (k) be accompanied by plans showing 0.5 meter contours of the existing pre-construction versus proposed finished grading and its relationship to all pedestrian and vehicular access as well sedimentation control and stormwater management;
 - (l) include letters of assurance in the form of Schedule B from 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**;
 - (m) include any applicable **alternative solution** as per 13.4; and
 - (n) include all documentation required by the **City**, as amended from time to time.

Site Plan Requirements

- 14.7 An **building construction** or **addition** application for a **permit** must include two copies of a comprehensive dimensioned site plan in metric (with optional imperial conversions), showing:
- (a) the north arrow, bearing and dimensions of the parcel from the registered legal plan;
 - (b) the parcel legal description, civic address and adjacent street names;
 - (c) the location and dimensions of **existing** and proposed statutory rights of way, easements and building setback to property lines;
 - (d) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (e) the location, dimensions and use of **existing** and proposed **buildings** or **structures**;
 - (f) annotated calculation of parcel area ratio to coverage of all buildings;
 - (g) annotated calculation of parcel area ratio of permeable soils and surfaces versus impermeable coverage;
 - (h) natural and finished grades in geodetic elevations at **building** corners and proposed grade around the **building** faces where necessary to ascertain heights;
 - (i) first storey floor, upper floors and maximum **building** height, all in geodetic elevations;
 - (j) location and geodetic elevations of curbs, driveways, sidewalks, manholes, and service poles;
 - (k) if applicable, location of an approved **existing** or proposed private sewage disposal system, water supply system, and a storm water drainage and management plan;
 - (l) the location, dimensions and gradient of parking and parking access routes;
 - (m) location and depth of **existing** and proposed service connections;
 - (n) access routes for firefighting and paths of travel from the street to the **building**;
 - (o) setbacks and elevations of all **retaining walls**, steps, stairs and decks; and
 - (p) where flood regulations establish minimum floor elevation requirements, geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a **building** or **structure**.
- 14.8 The **Building Official** may waive site plans and accept submissions with less detail for an application to undertake minor repairs and **alternations** to **complex** or **simple buildings**.

Applications for Complex Buildings – Supplemental

- 14.9 An application for a **complex building** shall include letter of assurance in the form of Schedule A of the **Building Code**, signed by the **owner** and the **coordinating registered professional**.
- 14.10 In addition to any requirements of this Part, a **building official** may require the following to be submitted for the **construction** of a **complex building** if the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (a) a **Building Code** compliance summary, such as without limitation that the **building** is designed under Part 3 of the **Building Code**, major occupancy classification(s) of the **building**, **building** area, and **building** height, number of streets the **building** faces, and accessible entrances, **work** areas, washrooms, firewalls and facilities;
 - (b) site servicing and on-site storm water management 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 **City's** Bylaws;
 - (c) include all other applicable requirements of s. 2.2, Division C of the **Building Code**;
 - (d) include fire flow calculations confirming adequate water supply for firefighting; and
 - (e) any other information required by the **building official** to establish compliance with this bylaw, the **Building Code** and other applicable enactments.

Applications for Simple Buildings – Supplemental

- 14.11 In **addition** to any requirements of this Part, if a project involves:
- (a) two or more **buildings**, the gross floor areas in the aggregate totals over 1,000m²; or

- (b) two or more **buildings** that will contain four or more dwelling units; or
- (c) if the complexity of the proposed **building** or **structure** or siting circumstances warrant,

a **building official** may require the following to be submitted with a **permit** application for the **construction** of each **simple building** in the **project**:

- (d) a roof plan and roof height calculations in geodetic elevations;
- (e) 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 City's bylaws;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional and letters of assurance in the form of Schedule B referenced in the **Building Code**, signed by a registered professional.

14.12 Where applicable to a **simple building**, the **building official** may require application to include:

- (a) a **Building Code** compliance summary including the applicable edition of the **Building Code**, such as, without limitation, the **building** is designed under Part 9 and compliance with article 2.2.2.1.(2), Division C of the **Building Code**;
- (b) copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal **permits**, highway access **permits** and Ministry of Health approvals; and
- (c) geotechnical letters of assurance, in **addition** to a required geotechnical report, if the **building official** determines that the site conditions so warrant.

Permit Refusal

14.13 An application for a **permit** may be refused and returned to the **owner**, if any requirements of this Part have not been satisfied or any conditions specified in s. 8.3 of this bylaw exist.

PART 15. FEES AND CHARGES

15.1 At **permit** application, the **owner** must pay the non-refundable fee prescribed by the **City Fee for Services Bylaw** which shall be credited against the **permit** fee at issuance.

15.2 Before receiving a **building permit**, in addition to the fee under s. 15.1, the **owner** or their **agent** must first pay to the **City** any fees, fines, charges, levies or taxes imposed by the **City** and payable under a bylaw or an enactment at the time of issuance of the **building permit**.

Valuation for Permit

15.3 To determine the **permit** fee, the valuation of **construction** shall be the total current monetary worth of all **construction** or **work** related to the **building** or **structure**, including:

- (a) site preparation and civil **work** including excavation and the use of hoisting, pile driving, compaction or erection devices;
- (b) labour and fees involved in the design document preparation, investigative testing, consulting services, **construction** labour and management, even if provided by the **owner**, or donated voluntarily by others, contractor's profit and overhead, sales taxes and **construction** insurance; and
- (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the **construction** to its completed form.

Security Deposit

15.4 Prior to **building permit** issuance, the **owner** or their **agent** must pay to the **City**, the security deposit(s) prescribed by the **City Fee for Services Bylaw**, or the **owner** must deliver to the

building official a signed agreement in a form prescribed by the **City** under which the **owner** acknowledges and agrees that any damage to municipal **works** or services arising from the **construction** associated with the **building permit** will be repaired by the **owner** at its expense and to the satisfaction of the **City**.

15.5 The security deposit set out in s. 15.4:

- (a) covers the cost borne by the **City** to maintain, restore or replace any public **works** or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the **work** referred to in any **building permit** held by the applicant;
- (b) covers the cost borne by the **City** to make a site safe if the **permit** holder abandons or fails to complete the **work** as designated on the **permit**;
- (c) serves as a bond to effect compliance with any **permit** issuance condition.

15.6 On request, the security deposit or any remaining portion shall be returned to the payer:

- (a) when the **City** is satisfied that no further damage to public **works** or lands will occur;
- (b) when all required inspections are complete and acceptable to the **building official**;
- (c) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the **building official**; and
- (d) when the site has been left in a safe condition.

15.7 Any credit greater than the amount of security monies used by the **City** for the purposes described in this Part will be returned to the **permit** holder unless otherwise so directed by the **permit** holder; alternatively, any amount in excess of the security deposit required by the **City** to complete corrective **work** to public lands or **works** or the site, is recoverable by the **City** from the **permit** holder, the **constructor** or the **owner** of the property.

Permit Fee Refunds

15.8 A **building permit** fee may be refunded by 50%, only if:

- (a) the **owner** has submitted a written request for a refund;
- (b) the **permit** is issued but no **construction** has commenced; and
- (c) the **permit** has not expired or been revoked by the **building official**.

15.9 A **permit** or other fee is nonrefundable after the **permit** has been extended or renewed.

Design Modification

15.10 If a **building permit** is issued or an application has been reviewed, and the **owner** proposes a design modification, whether the value of the **work** increases or decreases, the **owner** must pay to the **City** the additional fee set out in **City Fee for Services Bylaw**.

Construction before Permit Issuance

15.11 The **permit** fee shall be doubled if **construction** commences prior to **permit** issuance and a stop work order is in effect, as set out in the **City Fee for Services Bylaw**.

15.12 If **construction** has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the **building official** may require tests and investigations by an independent professional at the **owner's** expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a **permit** and prior to removal of an posted orders.

Expiry of Permit Application

15.13 A **building permit** application expires and will be cancelled if it has not been issued within 90 days from the date of the application and the building official has not provided additional time to review and issue the permit; whereupon, the applicant will be notified in writing of the

application cancellation and that all submitted plans and related documents will be held for a period of 30 days, then destroyed. Reapplication anew will be required.

15.14 To qualify s. 15.14 above, if the delay is caused by the **City**, the application shall not expire.

Inspection, Re-inspection and Other Fees

15.15 In addition to the fees required under other provisions of this bylaw, the **owner** must pay any fee set out in the **City** Fee for Services Bylaw and any other bylaw(s) for:

- (a) any subsequent re-inspection, if more than two site visits are necessary for an inspection stipulated in this bylaw, but the **building official** has not fully passed a required inspection or has cited deficiencies or non-complying **work**;
- (b) a special inspection during normal **City** business hours to establish the condition of a **building**, or if an inspection requires special arrangements because of time, location, or **construction** techniques; and
- (c) any required inspection which cannot be carried out during normal **City** business hours.

PART 16. PERMIT ISSUANCE AND TERMS

16.1 If a completed application in compliance with this bylaw, including all required supporting documentation, has been submitted and:

- (a) the **owner** or their **agent** has paid all prescribed fees, charges and securities and met all requirements imposed by any statute or bylaw regulating the **work**;
 - (b) the **owner** has retained an architect, professional engineer or geoscientist if required under this bylaw or by the **building official**;
 - (c) no covenant, agreement, resolution or regulation of the **City** requires or authorizes that the **permit** to be withheld; and
 - (d) the **owner** has provided a hazardous materials assessment and remediation compliance letter for **additions** or **alterations** to **buildings constructed** prior to 1992;
- the **building official** shall issue the **permit**, in the prescribed form, and the date of issuance is deemed to be the date the **City** gives notice to the **owner** that the **permit** is ready to be signed and paid.

Compliance with the Homeowner Protection Act

16.2 If the application in respect of a **building** that includes a residential occupancy governed by the *Homeowner Protection Act*, the **building permit** shall not be issued unless the **owner**:

- (a) provides evidence under s. 30(1) of the *Homeowner Protection Act*, that the **building** is covered by home warranty insurance; or
- (b) provide evidence they are not required to obtain home warranty in accordance with s. 20(1) or 30(1) of the *Homeowner Protection Act*.

16.3 Where a **permit** is issued subject to the **owner** and **constructor** maintaining compliance with the *Homeowner Protection Act* and the negotiations under it, the warranty must remain in good standing for the term of the **permit**.

Issuance of Partial Permits

16.4 The **building official** may issue, at the risk of the **owner**, a **permit** for a portion of a **building** or **structure** before the design, plans and all supporting documents for the entire **building** or **structure** have been **reviewed**, but only if sufficient information has been provided to the **City** to demonstrate that the portion authorized, substantially complies with this and any other **City** bylaws and the **permit** fee applicable to that portion of the **building** or **structure** has been paid.

- 16.5 Notwithstanding the issuance of the **permit** for a portion of a **building** or **structure** under s. 16.4 above, the requirements of this bylaw shall apply to the remainder of the **building** or **structure** as if the **permit** for the portion of the **building** or **structure** had not been issued.
- 16.6 If a site has been excavated under a **permit** issued under this bylaw and no **building permit** is subsequently issued or a subsisting **building permit** has expired but the **construction** for which the **permit** was issued is not commenced, the **owner** must fill in the excavation and restore the original site gradients within 60 days of being served notice to do so by the **City**.
- 16.7 If a **building permit** has expired and partial **construction** has progressed, with no extension application made under this Part, permanent fencing with privacy screen, complying with the **City Zoning Bylaw**, must be erected around the site for protection to the public.

Sanitary Facilities during construction

- 16.8 During the term of a **building permit** issued under this bylaw, the **owner** must provide appropriate ventilated, lockable sanitary facilities for the disposal of human waste on the construction site for persons who enter the parcel in relation to the **work**, and:
- (a) such facilities must be accessible at all times while **work** is being carried out; and
 - (b) any sanitary facility that is not connected to a sanitary sewer or septic disposal system, must be approved under the *Public Health Act*.
- 16.9 Such sanitary facilities must be located so as not to create a nuisance to neighbouring parcels or public highways.

Permit Lapse or Expiration

- 16.10 Every **permit** is issued on the condition that the **permit** expires and the rights of the **owner** under the **permit** terminate if:
- (a) the **work** authorized by the **permit** is not commenced within 90 days from the date of **permit** issuance unless extended under this Part ;
 - (b) **work** is discontinued for a period of 180 days; or
 - (c) the **work** is not completed within 24 months of the date of issuance of the **permit**, unless otherwise specified by the **building official**;
- to qualify the preceding s.s.(c) , permits for a temporary buildings, relocation of buildings and demolition shall expire and terminate in a shorter term as provided in s.s. 18.9 of this bylaw.
- 16.11 Where a **permit** has expired, the **work** shall cease and the **construction** shall be removed, unless a **permit** extension is granted or a new **permit** application is made within 90 days of the expiry date of the **permit**.
- 16.12 Where a **permit** has expired, and a new **permit** application is made, all **construction** shall comply with this bylaw, the **Building Code** and any other **City** bylaws and enactments in force at the time of that new application.

Permit Extension

- 16.13 Where **construction** has not commenced within 90 days of **permit** issuance, the **building official** may extend the **permit** for up to 90 days from the date of expiry of the **permit**, if
- (a) application for extension is submitted prior to the date of **permit** expiry, and
 - (b) the non-refundable fee set out in the **City Fee for Services Bylaw** is paid.
- 16.14 Where **construction** has commenced and has not been discontinued or suspended for more than 180 days, the **building official** may extend the expiry date for the **permit** for a term the **building official** considers reasonable to a maximum of two years, provided the **building official** is satisfied that there exists a reasonable cause for delay in completing **construction**, if:

- (a) application for extension is made prior to the date of **permit** expiry; and
- (b) the non-refundable fee set out in the **City's** Fee for Services Bylaw is paid.

Permit Cancellation or Transfer by Owner

- 16.15 A **building permit** or a **building permit** application, may be cancelled by the **owner** or their **agent**, on delivery of written notification of the cancellation to the **building official**.
- 16.16 If a **building permit** is cancelled, and **construction** has not commenced under the **permit**, the **building official** shall return to the **owner** any refundable fees and securities as determined by this bylaw and the **City** Fee for Services Bylaw.
- 16.17 A valid **building permit** may be transferred to a new **owner** when the **owner** of record requests such a transfer in writing to the City and pays the fee stipulated in the **City** Fee for Services Bylaw.

Permit Cancellation by Building Official

- 16.18 If the **owner**, or their **agent**, submits changes after **permit** issuance and the changes, in the opinion of the **building official**, substantially alter the scope of **work**, design or intent of the application in respect of which the **permit** was issued, the **building official** may cancel or amend the **permit** and require a **building permit** application anew.

PART 17. INSPECTIONS & OCCUPANCY

- 17.1 Despite the provisions under this Part for **building official** acceptance of the **work**, if a registered professional provides letters of assurance, the **City** will rely solely on field reviews undertaken by the registered professional submitted pursuant to this bylaw as assurance that the **construction** referenced by those letters of assurance substantially conforms to the design, plans and specifications; and, that the **construction** conforms with the **Building Code**, this bylaw and other applicable enactments respecting safety. Copies of all field reviews must be submitted to the **City** for the **permit** record.
- 17.2 Despite this part, the **building official** may attend the site from time to time during the course of **construction** of **simple** or **complex buildings**:
- (a) to ascertain whether the **work** is being carried out in substantial conformance with the **Building Code**, this bylaw and any other applicable enactments concerning safety; and
 - (b) to monitor and ascertain that field reviews are undertaken by the registered professionals.
- 17.3 When requesting an inspection for **work** in respect of **simple buildings**, the **owner** or their **agent** must give at least 24 hours' notice to the **City** via the method or system determined by the Director; and, must obtain the inspection and the **building official's** written acceptance of the following stages of the **work** prior to concealing the given aspect of the **work**:
- (a) Pre-**construction** on-site orientation and review - if required by the **building official**;
 - (b) Footings/excavation - after footing preparation is complete, prior to concrete placement;
 - (c) **Foundation** - after **foundation** wall forms are completed and a survey certificate is submitted and **reviewed** by a building official, if required, prior to placement of concrete;
 - (d) Damp proofing/drain tile/roof drains - after damp-proofing and drainage systems are in place, prior to backfilling;
 - (e) Domestic water, storm and sanitary sewer services - after services are in place and under test, prior to backfilling;
 - (f) Plumbing under-slab - plumbing and underground fire suppression supply lines, prior to covering;
 - (g) **Foundation**/slab insulation - prior to backfilling **foundation** walls or pouring slabs where required insulation would be covered;

- (h) Radon/Soil Gas Control - after ground and slab preparation for soil gas venting, including ground cover, and perimeter insulation of inside of concrete **foundation** walls are in place, prior to covering;
- (i) Plumbing rough-in - installation of rough-in plumbing, site constructed tubs or showers and trap tests when complete and under test, prior to covering;
- (j) Ventilation - installation of mechanical and heating systems, including solar ready installations, if proposed, prior to covering;
- (k) Framing - framing, sheathing, fire stopping, bracing, with installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such **work**;
- (l) Fire separations/ blocking - installation of required fire separations prior to covering;
- (m) Insulation and vapour/air barrier - after all insulation and vapour barrier is in place but prior to interior finishes being applied;
- (n) Plumbing Final - all plumbing requirements for **occupancy**; and
- (o) Final Inspection and Occupancy- after all the **health and safety** and accessibility aspects of the **work** are complete, when the **building** or **structure** is substantially complete and ready for occupancy but prior to occupancy.

Site Survey and Location Information

- 17.4 Without limiting s. 14.1(e) or 17.3(b) and (c), the **building official** may, at any time, require and the **owner** must submit an updated plan or survey prepared by a registered BC Land Surveyor which contains sufficient information respecting the site, size and location of any **building**:
- (a) in relation to an **existing building**, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site, property lines or to the proposed **building**, grades and fire separations;
 - (b) in relation to a new **building** or **addition**, prior to the placement of concrete for **foundations**, show the setback to property lines and **existing buildings**, and elevation at proposed top of concrete on all **building** elevations and at all significant changes of elevation to substantiate size, location and elevation; and
 - (c) to verify, on completion of the **construction**, that all provisions of the **permit**, this bylaw and other applicable bylaws have been met.

Other Inspections

- 17.5 Supplemental to s. 17.3, additional inspections may be required in the following cases:
- (a) **retaining walls** must be inspected in accordance with Part 24 of this bylaw;
 - (b) moving of any **building** must be inspected in accordance with of Part 18 of this bylaw;
 - (c) swimming **pools** and fences must be inspected upon completion and prior to filling with water pursuant to Part 23 of this bylaw;
 - (d) **manufactured home** parks, campgrounds and RV parks require inspections pursuant to the applicable permit and **City** bylaws;

Alternative to inspection/re-inspection

- 17.6 Notwithstanding the requirement for inspection under this Part, if unable to attend a site on the date of a requested inspection due to travel, time or other constraint, the **building official** may allow that photographic, video, or written reports from certified persons be provided for review prior to authorizing the concealment of that work. For clarity, this must be prearranged and pre-approved by the **building official** and shall generally apply to re-inspection of correction of minor deficiencies.
- 17.7 No person may conceal any aspect of the **work** referred to in this Part until a **building official** has **accepted** it in writing.

Complex Building Start and Commissioning

- 17.8 For **work** in respect of **complex buildings**, the **owner** must provide at least two days online or written notice to the **City**:
- (a) when requesting a pre-**construction** meeting with the **City** prior to start of **construction**, and the **owner** or their representative must ensure that the **coordinating registered professional**, the **constructor**, as well as representatives of major trades, are in attendance;
 - (b) when requesting pre-occupancy coordinated by the **coordinating registered professional** or other registered professional to have the **owner**, the **constructor**, and the registered professionals demonstrate to the **building official** and **City Fire Department** the compliance with the **health and safety aspects of the work**, the coordination and integration of the fire and life safety system, applicable **City** requirements and other enactments respecting safety, accessibility, energy the conservation aspects of the **work**.
- 17.9 At least two days prior to any requested pre-occupancy meeting, the **owner** must cause the **coordinating registered professional** to deliver to the **building official** the *Confirmation of Required Documentation* in the prescribed forms, complete with all documentation in both paper copy and in a digital format acceptable to the **City**.

Partial Occupancy for Simple and Complex Buildings

- 17.10 Upon written request by the **owner** or the **agent**, a **building official** may inspect and grant a partial occupancy **permit** for a portion of a **building** or **structure** under **construction** when:
- (a) that portion of the **building** or **structure** is self-contained and provided with essential services respecting **health and safety aspects of the work**, and if applicable, accessibility, **GHG** emissions and energy conservation;
 - (b) the requirements set out in s. 17.14 have been met with respect to that portion; and
 - (c) security deposit fees prescribed by the **City** Fee for Services Bylaw have been paid.
- 17.11 Further to s. 17.10, the **building official** may withhold an occupancy **permit** until the entire **building** or **structure** is complete and complies with this bylaw, the **Building Code** and any other applicable enactments; or, the **building official** may revoke any approval for partial occupancy permit for failure to comply with any conditions of the approval.
- 17.12 The **owner** shall ensure that no unsafe condition exists or will exist resulting from **work** being undertaken in other parts or areas of the **building** not yet completed.

Occupancy and Occupancy Certificate

- 17.13 No person shall occupy a **building** or **structure**, or part of a **building** or **structure**, until a Final Inspection is completed and an occupancy certificate has been issued by a **building official** for:
- (a) occupancy of a **building** or **structure** or part thereof after completion of **construction**; or
 - (b) any change of class of occupancy of any **building** or **structure** or part thereof.
- 17.14 An occupancy certificate will not be issued unless:
- (a) letters of assurance have been submitted when and as required in this bylaw;
 - (b) all aspects of the **work** requiring inspection and acceptance pursuant to s. 17.3 and 17.5 of this bylaw have been both inspected and **accepted** or the specific inspections and acceptance are not required for the given **work** in accordance with this bylaw;
 - (c) the **owner** has submitted a **building** survey prepared by a BC Land Surveyor showing the **building** size and location and, at building official request, its height and elevation;
 - (d) all other documentation required under applicable enactments have been submitted to the **City**; and

- (e) where any of the requirements for life and fire safety have been deemed to be satisfied by an **alternative solution**, prior to **building** or **structure** occupancy, the **owner** shall submit certification from the Qualified Person(s) responsible for the **alternative solution** to the **building official**, attesting that the **construction** complies with the requirements set out in the **alternative solution** report.

17.15 When a registered professional provides letters of assurance in accordance with this bylaw, the **City** will rely solely on the letters of assurance when issuing an occupancy certificate as guaranty that the items identified by the letters of assurance substantially comply with the design, the **Building Code**, this bylaw and other applicable enactments respecting safety.

Completion Inspection

17.16 A completion inspection will stand for **projects** such as **retaining walls**, **pools**, mobile-**modular homes**, and demolition where a **permit** is required but an occupancy certificate is not applicable.

PART 18. BUILDING RELOCATION PERMIT

18.1 No person shall relocate a **manufactured home**, **structure**, **building** or part thereof into the **City** or from one property to another within the **City** unless the **owner** or **agent** has first obtained a **permit** for that purpose as provided for in this bylaw.

Application Requirements

18.2 An application for a **building permit** with respect to a **building** move **permit** must:

- (a) be made in the prescribed form and signed by the **owner**;
- (b) pay applicable fees as prescribed in the **City** Fee for Services Bylaw;
- (c) provide a site plan in conformance to s. 14.7;
- (d) drawings showing **construction** details for on-site **construction** as outlined in Part 14; and
- (e) written confirmation from the **manufactured home** park **owner** or authorized agent, where and as applicable.

18.3 The relocation of **homes**, factory **constructed** and assembled over 35 years prior to the date of **permit** application is prohibited (except where permitted through the report outlined in s. 18.4); whereby, the year, make, model and serial numbers shall be determined by the CSA rating plate and/or the BC **Mobile Home** Registry.

18.4 A **building official** may require an evaluation report from an accredited restoration company or registered professional with experience in environmental engineering, stating that there are no environmental issues or hazards to the health and safety of occupants prior to issuing a **building permit** to relocate a **manufactured home**, **mobile home** or other **building**.

18.5 Where a **manufactured** or **mobile home** is less than five years old, the evaluation report cited in s. 18.4 may be waived by the **building official**.

18.6 Any **building**, **structure**, or part thereof moved to or within the **City** must:

- (a) meet or exceed the average assessment value of improvements within 150 metres of the parcel to which it is proposed to move; and
- (b) meet or exceed the aesthetic standards of the majority of the existing buildings; or the **owner** must submit **construction** plans detailing the changes that are required to make the **building**, **structure**, or part thereof conform to (a) and (b) above.

18.7 The requirements of s. 18.6, do not apply to the moving of any **building**, **structure** or part thereof onto an "A" or agriculturally zoned parcel pursuant to the provisions of the **City** Zoning Bylaw in force and effect at the date of **permit** application.

Permit Issuance

- 18.8 The **building official** may issue a **permit** for **construction** involving the moving of any **building, structure** or part thereof into or within the **City**, after the **owner** has:
- (a) finalized disconnection of services at the existing parcel;
 - (b) finalized any outstanding taxes owing and utility billing accounts to the **City**;
 - (c) secured approval for safe transport route as prescribed by the Director in consultation with **City** Public Works, the Fire Chief and the RCMP;
 - (d) provided confirmation of a minimum liability coverage of two million dollars (\$2,000,000) as set out in the **City** Traffic Bylaw;
 - (e) provided a hazardous assessment and clearance letter for the demolition of any **existing** on-site **construction** for **buildings constructed** prior to 1992, and
 - (f) deposited a security deposit as prescribed within the **City** Fee for Services Bylaw.

Completion Conditions

- 18.9 All **construction** including relocations, **alterations** and **additions** for relocated **manufactured homes, mobile homes** or other **buildings** shall be completed with one year of the date of **permit** issuance.
- 18.10 If the **owner** does not move the **building, structure** or part thereof for which a **permit** is issued and completed **construction** within the time specified in s. 18.9, the **building official** may issue notice directing the **owner** to complete the **work** within 30 days of the date of said notice.
- 18.11 If the **work** is not completed within the 30 days, the **City** or its **agent** may enter, clean and tidy the site of either or both the parcel where the **building, structure** or part thereof is moved to or from, all at the expense of the **owner** and the costs shall be deducted from the security deposit.

PART 19. DEMOLITION PERMITS

- 19.1 Without limiting s. 6.3 of this bylaw, a person must not demolish or partially demolish a **building** or **structure** without making application and receiving a valid demolition **permit**.

Application Requirements

- 19.2 An application for a **permit** with respect to a demolition must:
- (a) be made in the prescribed form and signed by the **owner**;
 - (b) pay applicable fees as prescribed in the **City** Fee for Services Bylaw;
 - (c) provide a site plan in substantial conformance to s. 14.7, to the extent applicable;
 - (d) provide a vacancy date;
 - (e) provide a hazardous materials assessment and remediation clearance letter for **buildings constructed** prior to 1992; and
 - (f) pay all **City** capping fees and ensure that all **City** services and other services are capped, identified and terminated at the parcel line.

Security Deposits for Demolition

- 19.3 Security deposits for demolition **permits** as prescribed in the **City** Fee for Services Bylaw are required for all demolitions of **buildings** or **structures** requiring a **permit** whereby:
- (a) the security deposit shall be held by the **City** until the site is restored to a safe and tidy condition to the satisfaction of the **building official**;
 - (b) if the **owner** fails to leave the site in a clean and tidy condition to the satisfaction of the **building official** with the time limit stipulated in 19.5(d), the **City** or its **agent** may enter,

- clean and tidy the site at the expense of the **owner** and costs shall be deducted from the security deposit;
- (c) if the security deposit is insufficient to cover the costs of tidying and cleaning the site, the **owner** shall pay the balance of the costs exceeding the security deposit within 30 days of invoice from the **City**; and
 - (d) if the costs are unpaid on the 31st day of December in the year on which the demolition occurred, the costs and any accrued interest shall be added to and form part of the property taxes payable as taxes in arrears.

Demolition Permit Term and Expiry

- 19.4 A **permit** to demolish a **building** or **structure** shall expire 180 days after the date of **permit** issuance.
- 19.5 If the demolition is not completed by the 180 day **permit** expiry, the **building official** may cancel the **permit** by written notification; whereupon, no **permit** refund will be issued and any remaining security deposit shall be returned to an amount as applicable.
- 19.6 Any request to extend the 180 day **permit** expiry must be received prior to the date of expiry and shall be in writing from the **owner** or their **agent** and may be denied or approved by the **building official**.

Demolition Sites

- 19.7 The following is required, to the satisfaction of the **building official**, at any demolition site:
- (a) the demolition shall be in accordance with Part 8 of the **Building Code** "*Safety Measures at Construction and Demolition Sites*";
 - (b) all **construction** material and debris, including concrete **foundations** and septic tanks must be removed from the site;
 - (c) all services and utilities are to be disconnected and capped at the property line;
 - (d) the site shall be left in a clean and tidy condition within 30 days of completing the demolition; and
 - (e) the *Environmental Management Act* shall apply, where and as required, to demolition sites.

PART 20. FIRE ALARM PERMITS

- 20.1 Without limiting s. 6.3 of this bylaw, a person must not install, replace or alter a fire alarm system without making application and receiving a valid **permit**.

Application Requirements

- 20.2 An application for a fire alarm **permit** with respect to any occupancy must:
- (a) be made in the prescribed form and signed by the **owner**;
 - (b) pay applicable fees as prescribed with the **City** Fee for Services Bylaw, and
 - (c) submit two copies of design drawings and specifications prepared by a registered professional along with the required letters of assurance.

Professional Design and Commissioning

- 20.3 The design, installation, commissioning and maintenance of fire alarm systems must conform to:
- (a) the **Building Code**; and
 - (b) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire alarm systems.
- 20.4 Where a **permit** is required, no engineered system shall be put into use until it has been tested and **accepted** by the registered professional who is responsible for its design, as applicable.

PART 21. MECHANICAL VENTILATION & HEATING PERMITS

21.1 Without limiting s. 6.3 of this bylaw, a person must not install, replace or alter a mechanical ventilation or heating system without making application and receiving a valid **permit**.

Application Requirements

21.2 An application for a mechanical **permit** with respect to a residential occupancy for **complex buildings** must:

- (a) be made in the prescribed form and signed by the **owner**;
- (b) pay applicable fees as prescribed in the **City** of Fee for Services Bylaw;
- (c) provide heat load **worksheet**, appliance selection **worksheet**, and ventilation checklist.

21.3 An application for commercial cooking system, spray booth operation or wood dust collection system **permit** shall:

- (a) be made in the prescribed form and signed by the **owner**;
- (b) pay applicable fee as prescribed in the **City** Fee for Services Bylaw; and
- (c) submit two copies of design drawings, prepared by a registered professional along with the required letters of assurance.

Design Standards

21.4 The design, installation and maintenance for any commercial cooking system, spray booth operation or wood dust collection system shall conform to:

- (a) **Building Code**, Division B, Part 6 Heating and Ventilation and Air-conditioning;
- (b) **Building Code**, Division B, Part 3; and
- (c) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire protection.

Inspections and Commissioning

21.5 Where a mechanical and ventilation system has been installed or altered under **permit** for **complex buildings**, an inspection shall be requested before the system is covered up; or before the system is commissioned and used.

21.6 Where a mechanical system has installed or altered under **permit** for a commercial kitchen, spray booth or wood dust collection system, it shall not be put into use until it has been tested and **accepted** by the registered professional responsible for its design and installation.

PART 22. PLUMBING & FIRE SUPPRESSION PERMITS

22.1 Without limiting s. 6.3 of this bylaw, a person must not install, replace or alter a plumbing or fire suppression system making application and receiving a valid **permit**.

Application Requirements

22.2 An application for a plumbing or fire suppression **permit** shall:

- (a) be made in the prescribed form and signed by the **owner**;
- (b) pay applicable fees as prescribed in the **City** Fee for Services Bylaw;
- (c) submit isometric drawings where **works** are not performed by a **qualified plumber** for single family dwellings **projects**; or
- (d) submit two copies of design drawings, including storm water management systems, prepared by a registered professional along with letters of assurance.

- 22.3 The design, installation and maintenance of plumbing and fire suppression systems shall conform to:
- (a) the Plumbing Code;
 - (b) the **Building Code**, Division B, Part 3, Section 3.2; and
 - (c) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire protection.

Inspections and Commissioning

- 22.4 Where a plumbing system has been installed or altered under **permit** for a **simple building**, an inspection shall be requested before the system is covered up or the system is used.
- 22.5 Where a plumbing system or fire suppression system has been installed or altered under **permit** for a **complex building**, it shall not be put into use until it has been tested and **accepted** by the registered professional responsible for its design and inspection, as applicable.

PART 23. POOL PERMITS

- 23.1 Without limiting s. 6.3 of this bylaw, a person must not **construct** or structurally repair any **pool** without making application and receiving a valid **permit**.

Application Requirements

- 23.2 An application for a **building permit** with respect to a **pool permit** must:
- (a) be made in the prescribed form and signed by the **owner**;
 - (b) pay applicable fees as prescribed in the **City Fee for Services Bylaw**;
 - (c) provide a site plan showing the **pool** location and dimensions to any existing or proposed **buildings** and property lines;
 - (d) two copies of **pool construction** drawings and the proposed **pool** enclosure area; and
 - (e) approval of design from the Local Health Authority having jurisdiction, if the **pool** is accessible for public use.

Professional Design and Geotechnical Review

- 23.3 Where determined by the **building official** or **City Engineer**, an owner may not obtain a **permit** to construct, commission, or use a **pool** without first delivering to the **building official** at the time of the **permit** application, at the cost of the **owner**, an opinion of a registered professional that the design of the **pool** will not cause or result in leaks or other failures of the **pool**.
- 23.4 In accordance with s. 11.3 of this Bylaw, subject to the **pool** location, design, site grades and soil conditions, **professional design** and field reviews may be required at the discretion of the **building official**.

Pool Fencing and Access

- 23.5 A swimming **pool**, including a sunken spa or hot tub as defined in Part 4 of this bylaw, must be enclosed within a non-climbable fence having a minimum height of 1.2m; qualifying, if **pool** access is from a dwelling on the same parcel, access may be directly from the dwelling.
- 23.6 In lieu of a fence, a sunken spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.
- 23.7 A **pool** fence or equivalent barrier must be in place, inspected and approved prior to filling water in the **pool**.

- 23.8 **Pool** fencing is not required on rural parcels in “A” Zones, as established in the **City** Zoning Bylaw, provided the **pool** perimeter is 45m or more from the nearest property line.
- 23.9 Access through a fence enclosing a **pool**, shall only be via a self-closing and self-latching gate designed, **constructed** and installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the **pool** side of the gate.

Drainage

- 23.10 Drainage from **pools** must be discharged to the **City** sanitary sewer in a controlled manner or, if approved by the City, contained and disposed of in a safe manner on the same parcel as the **pool**.

Public Pools

- 23.11 **Pools** intended for public use shall not be occupied until an *Operating Permit* has been issued by the Local Health Authority.

PART 24. RETAINING WALLS & GRADES

- 24.1 Without limiting s. 6.3 of this bylaw, a person must not **construct**, or structurally repair, a **retaining wall** without a valid **building permit**.

Application Requirements

- 24.2 An application for a **building permit** with respect to a **retaining wall** must:
- (a) be made in the prescribed form and signed by the **owner**;
 - (b) pay applicable fees as prescribed in the **City** Fees for Services Bylaw; and
 - (c) include a site plan showing all **buildings**, **structures**, permeability and utility servicing.

Professional design and Permit closure

- 24.3 A registered professional shall undertake the design and conduct field reviews under Schedule B of the **Building Code**, for the **construction** and drainage of any **retaining wall structure**:
- (a) greater than 1.2m in height; or
 - (b) where a sequence of walls are located closer than 2 horizontal to 1 vertical; or
 - (c) where site drainage is impacted - as determined by the **City**; or
 - (d) where any other geotechnical concerns exist - as determined the **City**; or
 - (e) where the **retaining wall** supports another **building** or **structure**.

Site Safety Conditions

- 24.4 A guard or fence may be required if the **building official** determines that an unsafe condition exists as the result of a **retaining wall constructed** under a **building permit**.

PART 25. TEMPORARY BUILDING PERMIT

- 25.1 Subject to the bylaws of the **City** or Council approval, the **building official** may issue a **permit** for the erection or placement of a **temporary building** or **structure** for occupancy if:
- (a) the **permit** is for a period not exceeding one year; and
 - (b) the **building** or **structure** complies with the **City** Zoning Bylaw, is issued a development or temporary use permit, if and as required, and complies with the **Building Code** and this bylaw, and is connected to **City** utility services, if and as required by enactments.

Application requirements

- 25.2 An application for a **building permit** for the erection or placement of a **temporary building or structure** must include:
- (a) application in the prescribed form signed by the **owner**;
 - (b) application fees as prescribed in the **City Fee for Services Bylaw**;
 - (c) a written statement by the **owner** indicating the intended use, duration of the use, and description explaining why the **building** is temporary;
 - (d) two copies of a site plan in compliance with s. 14.7, as applicable;
 - (e) two copies of plans and supporting documents showing **construction** details of the **building or structure**, as applicable;
 - (f) for manufactured **building**, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel **building** must be certified in accordance with CSA Standard A660, as applicable;
 - (g) a report or drawing by an engineer, architect or designer confirming compliance with the **Building Code**, this bylaw, the **City's** Zoning Bylaw and other applicable bylaws; and
 - (h) information to comply with s. 2.2 Division C of the **Building Code**;
- qualifying that the preceding submissions may be varied, supplemented, or waived by the **building official** based upon the specific parameters of any application.
- 25.3 Before receiving a **permit** for a **temporary building or structure**, the **owner** must pay to the **City** the prescribed fee and security deposit set out in the **City Fee for Services Bylaw**.
- 25.4 The security deposit shall be refunded if the **owner** removes the **temporary building or structure** within one year of the date of the occupancy certificate; alternately, if not removed, the security deposit may be used by the **City** anytime after one year of the date of the occupancy certificate to remove the **building or structure** and restore the site.

PART 26. TEMPORARY RESIDENCE DURING CONSTRUCTION

- 26.1 Where a **temporary residence** is requested during the period of **construction** of a new dwelling, the following conditions shall apply:
- (a) a **temporary residence** must comply with all applicable provisions of the **City Zoning Bylaw**;
 - (b) the temporary residence may be a modular **manufactured home** or an **existing** dwelling legally sited and constructed on the parcel; and
 - (c) the **temporary residence** must be removed from the parcel within 30 days of the date of the new dwelling occupancy certificate or must be converted to a non-residential use in compliance with s. 26.2.

Conversion to Non-Residential Use

- 26.2 Any conversion of a dwelling used as a **temporary residence** to an accessory or non-residential use requires:
- (a) compliance with all regulations of the applicable zone with respect to density and **building** siting, size and dimensions;
 - (b) removal of all kitchen and bathroom cabinets, plumbing fixtures, hot water tanks, furnaces, and sewer connections except that some of said facilities may be retained for home occupation and workshop purposes, as determined by the **building official**; and
 - (c) completion of the conversion within 30 days of the issuance of occupancy certificate for the new dwelling.

PART 27. FIRE DEPARTMENT ACCESS ROUTE

- 27.1 Prior to the issuance of a **building permit** for a **simple building** of multi-family or commercial occupancy under Part 9 of the **Building Code**, the **owner** must satisfy the **building official** that the **building** or **structure** for which the **permit** is issued will be served by a fire access route that satisfies the following:
- (a) the width of an access route must not be less than 6 metres;
 - (b) the centerline radius of an access route must not be less than 10 metres;
 - (c) the overhead clearance of an access route must not be less than 4.5 metres;
 - (d) the gradient of an access route must not exceed 1 in 12.5 over a minimum of 15 metres;
 - (e) the access route must comply with the bearing load and surface material standards of the **City's** Subdivision and Development Servicing Bylaw, as amended or replaced; and
 - (f) have a turnaround for any dead end portion of an access route longer than 90 metres.

PART 28. CLIMATIC DATA

- 28.1 The climatic data for the design of **buildings** in the **City** shall be as stipulated for Salmon Arm in the current edition of Division B, Appendix C to the **Building Code**.
- 28.2 Where the **Building Code** requires foundations to be below the depth of frost penetration, the minimum depth of foundations shall be 0.91 metre below grade unless otherwise approved or required by a soils engineer.
- 28.3 The minimum depth below grade shall be 1.5 metres for water services and 0.91 metre for sewer pipes unless other suitable means of structural and frost protection is provided.

PART 29. ENERGY CONSERVATION & GHG EMISSIONS REDUCTION**Step Code Requirements**

- 29.1 In relation to Energy Efficiency, by reference the City adopts the performance requirements set out in s. 9.36.5 – *Energy Performance Compliance* of the **Building Code**.
- 29.2 Any new building to which Part 3 or Part 9 of the **Building Code** applies, and is within the scope of the application of the **Zero Carbon Step Code**, must be designed and constructed to meet performance requirements specified in the **Zero Carbon Step Code**.
- 29.3 At time of **permit** application, the **owner** shall submit a pre-construction compliance report as prescribed in the **Building Code**.
- 29.4 The **owner** of any **building** subject to a requirement under s. 29.1 or 29.2 above, must complete the following prior to occupancy certificate issuance in respect of the **building**:
- (a) submit a fully completed *BC Energy Compliance Report – As Built* including s. “F”; and
 - (b) affix one of the following home energy labels to the **building** in a conspicuous location, on or in proximity to the electrical panel: an *EnerGuide Rating* label; a *Passive House Certification*; or other home energy label acceptable to the **building official**.
- 29.5 For a Part 9 or Part 3 **building** designed in compliance with the applicable step of the BC Energy **Step Code** but where the constructed building does not meet the applicable **Step Code** performance requirements, the **building official** may issue a partial occupancy or occupancy certificate provided a notice pursuant to s. 57 of the *Community Charter* is registered against the property title advising it has not met the design requirements for the applicable step of the BC Energy **Step Code**.

PART 30. NUMBERING OF BUILDINGS

- 30.1 The Director may renumber or alter the assigned numbers in respect of any building or any parcel, including those already in existence or numbered.
- 30.2 On the issuance of any **building permit**, the **City** shall designate a civic address number or set of numbers for a **building** authorized by the **permit**. The **owner** must post the address on the site immediately after obtaining the **building permit** and keep the address posted in a conspicuous location at all times during **construction**.
- 30.3 Prior to issuance of an occupancy certificate, the **owner** or occupier of the parcel must affix the address numbers permanently in a conspicuous place on the **building** or the parcel such that the address is visible from an adjacent highway that is not a lane.

PART 31. OFFENCES, ORDERS & ENFORCEMENT

Violations

- 31.1 Every person who fails to comply with any order or notice issued by a **building official**, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 31.2 Without limiting Part 7: Prohibitions , every person who violates a provision of this bylaw; suffers or allows any act to be done in violation of any provision of this bylaw; or neglects to do anything required under this bylaw; commits an offence against this Bylaw and is subject to:
- (a) a fine under the Municipal Ticket Information Bylaw if any information respecting the contravention is laid by means of a ticket;
 - (b) a fine not exceeding \$500 in accordance with the Local Government Bylaw Notice Enforcement Act if a bylaw notice is issued respecting the contravention;
 - (c) upon summary conviction, a fine not exceeding \$50,000 plus costs of prosecution;
 - (d) registration of a notice on the parcel title pursuant to s. 57 of the *Community Charter*; or
 - (e) any combination of the above;
- where each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 31.3 Every person who commences **work** requiring a **permit** without first obtaining such a permit must, if a Stop Work Order is issued, secure a valid permit and pay double the **permit** fees prior to the Stop Work Order being released and work proceeding.

Stop Work Orders

- 31.4 The **building official** may direct the immediate suspension or correction of all or a portion of the **construction** on a **building** or **structure** by attaching a *stop work order* in the prescribed form on the premises if the **work** is not being performed in accordance with the requirements of the **permit**, the **Building Code** or any applicable bylaw of the **City**.
- 31.5 The **coordinating registered professional** may request, in writing, that the **building official** order the immediate suspension or correction of all of a portion of the **construction** on a **building** or **structure** by attaching a *stop work order* on the premises. The **building official** must consider such request and, if not acted upon, must respond, in writing, to the **coordinating registered professional** and give reasons.
- 31.6 If a registered professional's services are terminated, the **owner** must immediately stop any **work** that is subject to professional design or field review and the **building official** is deemed to have issued a *stop work order* under this Part.

- 31.7 Upon the posting of a *stop work order*, the **owner** must immediately secure the **construction** and the site in compliance with the safety requirements of every statute, regulation or order of the Province, its agencies and any applicable bylaw of the **City**.
- 31.8 No **work** other than the required and approved remedial measures may be carried out on the parcel affected by the order until the *stop work order* has been removed by the **building official**.
- 31.9 The notice referred to in this Part must remain posted on the premises until it is removed by the **building official**.

Do Not Occupy Notice

- 31.10 If a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of this bylaw or due to an unsafe condition, a **building official** may post a *Do Not Occupy Notice* in the prescribed form on the **building, structure** or part thereof.
- 31.11 If a notice is posted under s. 31.10, the **owner** and every other person, must immediately cease occupancy of the **building** or **structure** and refrain from further occupancy until the matters that gave rise to the *Do Not Occupy Notice* have been remediated and said notice been rescinded in writing or removed from the premises by the **building official**.

Deemed Offence

- 31.12 An **owner** is deemed to have knowledge of and be liable under this bylaw in respect of any **construction** on the parcel the **owner** owns and any change in the use, occupancy or both of a **building** or **structure** or part of a **building** or **structure** on that parcel.

PART 32. UNSAFE CONDITIONS

- 32.1 If electricity or natural gas supply have been disconnected due to a hazardous or any potentially hazardous situation **existing** in the **building, structure** or part thereof, this supply must not be reconnected and the **building** must not be occupied until:
- (a) the **owner** has applied to the **building official** for a special **building** or **structure** safety inspection pursuant to this part and has paid the required fees;
 - (b) the **building, structure** or part thereof has been inspected, and if deemed necessary by the **building official**, also by the **City** Fire Chief for compliance with this bylaw and any other bylaws or enactments relating to **building**, electrical, gas or fire safety;
 - (c) the **owner** has obtained any **permit** required to carry out the **work** necessary to bring the **building, structure** or part thereof into compliance with the bylaws and enactments; and
 - (d) all the **work** referred to in s. 32.1(c) is completed and the **building** or **structure** has been brought into compliance with bylaws and other applicable enactments.

PART 33. REPEAL

- 33.1 The **City** of Salmon Arm "Building Bylaw No. 3939" and all amendments thereto, are hereby repealed upon adoption of this bylaw.

PART 34. IN FORCE

34.1 This bylaw is effective upon the date of adoption.

READ A FIRST TIME THIS DAY OF 2025

READ A SECOND TIME THIS DAY OF 2025

READ A THIRD TIME THIS DAY OF 2025

ADOPTED BY COUNCIL THIS DAY OF 2025

MAYOR

CORPORATE OFFICER