

DISTRICT OF LAKE COUNTRY
BUILDING REGULATION BYLAW 1070, 2018

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DISTRICT OF LAKE COUNTRY

BYLAW 1070, 2018

A BYLAW FOR THE ADMINISTRATION OF BUILDING CODE AND REGULATIONS OF CONSTRUCTION

WHEREAS the Council of the District of Lake Country

- (a) may by bylaw regulate, prohibit and impose requirements in respect to buildings and **structures** under the Community Charter for the following under:
 - (i) the provisions of access to a building or other **structure**, or to part of a building or other **structure**, for a person with disabilities;
 - (ii) the conservation of energy or water;
 - (iii) the reduction of greenhouse gas emissions;
 - (iv) the health, safety or protection of persons or property;
- (b) is enacting this bylaw to regulate **construction** and administer the British Columbia **Building Code** in the District of Lake Country in accordance with the Community Charter and the Building Act;
- (c) has employed trained **building officials** for the purposes of this bylaw;

NOW THEREFORE the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. PURPOSE OF BYLAW

- 1.1. Despite any other provisions in this bylaw, this bylaw must be interpreted in accordance with this section.
- 1.2. Every **permit** issued under this bylaw is issued expressly subject to the provisions of this section.
- 1.3. This bylaw is enacted to regulate, prohibit and impose requirements in regard to **construction** in the **District** in the public interest.
- 1.4. The purpose of this bylaw does not extend to
 - (a) the protection of **owners**, designers, constructors, or any other persons from economic loss;
 - (b) the assumption by the **District** or any **building official** of any responsibility for ensuring the compliance by any **owner**, their representatives or any employees, constructors or designers retained by the **owner**, with the **Building Code**, the requirements of this bylaw, or other applicable enactments, standards, or bylaws;

- (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 building **permits** issued by the **District** is free from latent, or any, defects; or
- (e) the protection of adjacent real property from incidental damage or nuisance.

2. SCOPE AND EXEMPTIONS

Application

- 2.1. This bylaw applies to the geographical area of the **District** and to land, the surface of water, air space, buildings, or **structures** in the **District**.
- 2.2. 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**, including:
 - (a) the installation, removal or alteration of plumbing and fire suppression systems or fixtures; and
 - (b) the installation, removal or alteration of mechanical heating and ventilation systems for commercial cooking systems, spray booths or wood working operations.

Section (c) added by Bylaw 1190

- (c) the installation, removal or alteration of a **Driveway** for the provision of access and egress to principal buildings for fire and emergency vehicles.
- 2.3. Except where located within a development permit area under the **District's** Official Community Plan or could possibly create a hazard, this bylaw does not apply to
 - (a) except as set out in Section 11 of this bylaw, a fence;
 - (b) an accessory building with a floor area of less than 10m²;
 - (c) a trellis, arbour;
 - (d) a **retaining wall** supporting soil that is:
 - (i) less than 1.22m in height,
 - (ii) a sequence of retaining walls less than 1.22 m in height spaced greater than two horizontal to one vertical, or

- (iii) in the opinion of the building official does not constitute a potential unsafe condition;
- (e) landscaping or other surfacing of land, except when creating a public parking lot;
- (f) bridges other than pedestrian and vehicular bridges attached to buildings;
- (g) docks or wharves; and
- (h) decks or patios which are less than 600mm from the ground or finished grade, which are not attached to a building and have no walls or roofs;
- (i) factory built housing and components complying with CAN/CSA-Z240 MH Series Standard, but this exemption does not extend to on site preparations (foundation, anchorage), connection to services and installation of appliances;
- (j) 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;
- (k) the cleaning and repair of mechanical heating and ventilation systems; and
- (l) 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

- 2.4. 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 enactment, standard, or bylaw.
- 2.5. This bylaw applies if the whole or any part of an **existing** building is moved either within or into the **District**, including relocation relative to parcel lines created by subdivision or consolidation. Section 14 applies to building moves.

Section 2.6 deleted and replaced by Bylaw 1190

- 2.6. If an alteration is made to an existing building or **Driveway**, the alteration must comply with this bylaw and the Building Code but only to the extent necessary to address any new infractions in the remainder of the building as a result of the alteration.
- 2.7. 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** and all applicable enactments, standards, or bylaws.

3. INTERPRETATION

3.1. In this bylaw, unless the context otherwise requires

“**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 their 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;

“**attached**” with reference to additions means connected to a building by a common footing, foundation and roof system enclosing at least 50% of one exterior wall face of the addition;

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

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

“**building official**” means the person designated in or appointed to that position by the **District** and other such person or persons as they may designate from time to time as their assistants;

“**Building Permit Security Deposit Policy**” means the District’s **Building Permit Security Deposit Policy** as amended from time to time;

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

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

“**complex building**” means

- (a) 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;

- (b) a building exceeding 600m² in building area or exceeding three storeys in building height used for a major occupancy classified as
 - (i) residential occupancy;
 - (ii) business and personal services occupancy;
 - (iii) mercantile occupancy; or
 - (iv) medium and low hazard industrial occupancy;

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

“**District**” means the **District** of Lake Country;

“**District Engineer**” means the **District** of Lake Country Director of Engineering and Environmental Services or designate;

Definition added by Bylaw 1190

“**Driveway**” means that portion of land located on private property which has been improved to provide vehicular access to or from a property, starting from a point measured 6 metres from the property line onto the private property, and continuing to a building for which a permit has been issued in accordance with District bylaws.

Definition added by Bylaw 1190

“**Driveway Access**” means that portion of land which has been improved to provide vehicular access to or from a property, from a **Highway** between the curb or lateral lines of the **Roadway** to the adjoining property line and inclusive of that portion of land on private property measured from the property line up to and including 6 metres from the property line.

“**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;

“**foundation**” means a system or arrangement of **foundation** units 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 a **mobile home** or **modular home** as defined in this bylaw;

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

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

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

“**on-site services**” means utilities and features which provide for servicing a **project** within the property 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 the **District’s** Subdivision and Servicing Bylaw as amended from time to time, 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 of land, or an **agent** duly authorized by the **owner** in writing in the prescribed form, and also where the context or circumstances so require

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in Sections 228 and 229 of the Community Charter; or
- (d) 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 a final inspection notice, to occupy a building or part of a building;

“**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 Works Manager**” means the **District** of Lake Country **Public Works Manager** or designate;

“**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 in building height, having a 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 Energy **Step Code** as referenced in the British Columbia **Building Code** Section 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** greater than 1.22m in height, **swimming pools** and **swimming pool** fences, but specifically excludes paving, fences, and landscaping;

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

“**temporary building**” includes a sales office, construction office or a **structure** in which tools are stored during **construction** of a building or other **structure**;

“**temporary residence**” includes a **manufactured home** or **existing** single family dwelling which may be occupied by the **owners** during **construction** of a residence;

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

3.2. In this bylaw the following words and terms have the meanings

- (a) set out in Section 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 occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;

- (b) subject to this bylaw, set out in the Schedule to the Community Charter; assessed value, highway, land, occupier, parcel, public authority, service and soil; and
- (c) subject to this bylaw, set out in Section 29 of the Interpretation Act: may, must obligation, person, property, writing, written and year.

3.3. Every reference to this bylaw in this or another bylaw of the **District** is a reference to this bylaw as amended to the date of the reference.

3.4. Every reference to

- (a) the **Building Code** is a reference to the current edition as of the date of issuance of the building **permit**, and

- (b) a section of the **Building Code** is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.

3.5. Definitions of words and phrases used in this bylaw that are not included in the definitions in this section 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.

Severability

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

4. ACTIVITIES REQUIRING PERMITS

4.1. A **permit** is required whenever **works** regulated by this bylaw are to be undertaken. **Works** regulated by this bylaw include, but are not limited to the requirements of 8.1 of this bylaw.

5. PROHIBITIONS

Section 5.1 deleted and replaced by Bylaw 1190

- 5.1. A person must not commence or continue any **construction, alteration**, excavation, reconstruction, demolition, removal, relocation or **change of use or occupancy** of any building, **Driveway** 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** for the **work** under this bylaw.
- 5.2. 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 final inspection notice 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**.
- 5.3. 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.
- 5.4. 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.
- 5.5. 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.
- 5.6. 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**.
- 5.7. A person must not interfere with or obstruct the entry of a **building official** or other authorized official of the **District** on property in the administration of this bylaw.
- 5.8. A person must not **construct** on a parcel unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address.
- 5.9. A person must not contravene an administrative requirement of a **building official** made under Section 8.6 or any other provision of this bylaw.
- 5.10. A person must not **change the use or occupancy** of a building or **structure** or a part of a building or **structure** without first applying for and obtaining a building **permit** under this bylaw.

- 5.11. 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**.
- 5.12. 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.
- 5.13. 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**.

6. PERMIT CONDITIONS

- 6.1. A **permit** is required if **work** regulated under this bylaw is to be undertaken.
- 6.2. Neither the issuance of a **permit** under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the **District** will in any way
 - (a) relieve the **owner** or **agent** 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 enactments, standards, or bylaws;
 - (b) constitute a representation, warranty, assurance or statement that the **Building Code**, this bylaw or any other applicable enactments, standards, or bylaws 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.
- 6.3. The word “**reviewed**” on a **District** document related to a **permit**, **permit** application or a procedure under this bylaw
 - (a) does not mean, signify or imply that the **District** has confirmed, sanctioned or approved the design or **construction**; and
 - (b) means only that the **District** has **reviewed** for compliance with this bylaw.
- 6.4. No person shall rely on any **permit** as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 6.5. Without limiting Section 6.2(a), it is the full and sole responsibility of the **owner** (and if the **owner** is acting through a representative, the representative of the **owner**) to carry out the **work** in respect of which the **permit** was issued in compliance with the **Building Code**, this bylaw and all other applicable enactments, standards, or bylaws.

- 6.6. A **permit** or an application for a **permit** that is in process may not be transferred or assigned until the **owner** has notified the **building official** in writing, and paid the fee specified by the **District's** bylaw. The transfer or assignment of a **permit** is not an extension of a **permit**.
- 6.7. The review of plans and supporting documents and issuance of a **permit** do not prevent the **building official** from thereafter requiring the correction of errors in those plans and supporting documents, or from prohibiting **construction** or occupancy being carried on when in violation of this or any other bylaw or enactment.

7. POWERS OF A BUILDING OFFICIAL

Administration

- 7.1. Words defining the authority of **building officials** are to be construed as internal administrative powers and not as creating a duty.
- 7.2. 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 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**.

Right of Entry

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

Powers

- 7.4. 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 of a building or **structure**, if the **work** is proceeding in contravention of this bylaw, the **Building Code**, or any other enactment of the **District** or other applicable enactments, standards, or bylaws, 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 a public parcel, 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 in contravention of a provision of this bylaw;
- (h) a person to cease any occupancy if any unsafe condition exists because of **work** being undertaken but not complete and where the **building official** has not issued a final inspection notice for the **work**;
- (i) an **owner** to correct any unsafe condition; and
- (j) an **owner** to correct any **work** that contravenes this bylaw, the **Building Code**, or any other enactment.

7.5. Every reference to “**owner**” in Section 7.4 includes a reference to the **agent** or constructor.

7.6. Every person served with a notice under this section must comply with that notice

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

8. OWNER'S RESPONSIBILITIES

8.1. Subject to Section 11 of this bylaw, every **owner** must apply for and obtain a **permit**, prior to

- (a) **construction** or placement of new buildings and **structures**;

- (b) additions to buildings and structures;
- (c) interior and exterior **alterations** of buildings and **structures**;
- (d) **construction** of **foundations** for, and installation of, **manufactured homes**;
- (e) installation of plumbing systems;
- (f) alterations and additions to plumbing systems including the installation of solar hot water systems;
- (g) installation and alteration of fire protection sprinkler systems;
- (h) placement or removal of fuel storage tanks;
- (i) installation of **temporary buildings**, including fabric covered **structures**;
- (j) 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;
- (k) installation or alteration of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection to systems to NFPA 664;
- (l) **construction**, installation, or alteration of chimneys or fireplaces;
- (m) installation of solid fuel burning appliances;
- (n) **construction**, additions, or alterations of **on-site services** for **manufactured home** parks;
- (o) **construction**, additions, or alterations of **on-site services** for campgrounds or recreation vehicle parks;
- (p) **construction** or structural repairs of **retaining walls**
 - (i) over 1.22 m in height measured from the lowest grade;
 - (ii) a sequence of retaining walls less than 1.22 m 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;
- (q) **construction** of **foundations** for, and installation of, moved buildings;
- (r) **construction** of **swimming pools** and **swimming pool** fences;
- (s) **change use or of occupancy** classification for a building or part of a building;

- (t) **construction of on-site services** for commercial, industrial, and multi-family residential developments;
- (u) the moving of buildings into or within the **District**;
- (v) **construction** of a new secondary or accessory suite;
- (w) any structural change, **alteration**, or repair to any building or **structure**;
- (x) demolition of buildings or **structures**;
- (y) sign **structures** including free-standing signs, **awnings, canopies, or marquees**;

Item (z) added by Bylaw 1190

- (z) construction, installation, alternation or removal of a new or existing Driveway.

unless the **works** are the subject of another valid and subsisting building **permit**.

- 8.2. Every **owner** must ensure that plans submitted with a **permit** application bear the name, phone number, address and email address of the designer of the building or **structure**.

Owner's Obligations

- 8.3. Every **owner** must

- (a) comply with the **Building Code**, the requirements of this bylaw and the conditions of a **permit**, and must not omit any **work** required by the **Building Code**, this bylaw, or the conditions of a **permit**;
- (b) ensure that all **permits**, all plans, and specifications and supporting documents on which a **permit** was based, all municipal inspection certificates, and all professional field reviews are available at the site of the **work** for inspection during working hours of the **building official**, and that all **permits** are posted conspicuously on the site during the entire execution of the **work**;
- (c) prior to the issuance of a building **permit**, execute and submit to the **District** an **owner's** undertaking in the prescribed form, where required by the **building official**;
and

Item (d) added by Bylaw 1190

- (d) prior to the issuance of a building **permit** under Part 9 of the **Building Code**, satisfy the **building official** that the building or **structure** for which the **permit** is issued will be served by an appropriate fire access route, in accordance with the BCBC or as directed by the building official.

- 8.4. Every **owner** and every **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 **District** and none of the issuance of a **permit** under this bylaw, the review of plans and supporting documents, or inspections made by a **building official** or a registered professional shall relieve the **owner** or **agent**, from full and sole responsibility to perform the **work** in strict accordance with this bylaw, the **Building Code** and all other enactments, standards, or bylaws.
- 8.5. Every **owner** must allow a **building official** to enter any building or premises at any reasonable time to administer and enforce this bylaw. Every **owner** to whom a **permit** is issued must, during **construction**,
- (a) post a civic address on the property so that it may be easily read from the public highway from which the property takes its address;
 - (b) post the green **permit** card on the property so that it may be easily read from the public highway from which the property takes its address;
 - (c) provide **building officials** with safe access to the **work** site and all areas requiring inspection; and
 - (d) provide adequate permanent or portable washroom facilities on the **construction** site until the **construction** is complete.

Damage to Municipal Works

- 8.6. Every **owner** to whom a **permit** is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the **work** authorized by the **permit**.
- 8.7. In addition to payment of a security deposit under the **Building Permit Security Deposit Policy**, every **owner** must pay to the **District**, within 30 days of receiving an invoice for same from the **District**, 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

- 8.8. Every **owner** must, at least 24 hours prior to commencing **work** at a building site, give written or online notice to a **building official** of the date on which the **owner** intends to begin such **work**.
- 8.9. 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 24 hours of when the change or termination occurs.
- 8.10. If an **owner** or a registered professional terminates the engagement of the registered professional, including a coordinating registered professional, the **owner** must terminate all

work under a building **permit** 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 B as outlined in the **Building Code**.

- 8.11. Without limiting Sections 11.38 to 11.45, every **owner** must give at least 24 hours online or written notice to a **building official**
- (a) of intent to do **work** that is required or ordered to be corrected during **construction**;
 - (b) of intent to cover **work** that is required under this bylaw to be, or has been ordered to be inspected prior to covering; and
 - (c) when **work** has been completed so that a final inspection can be made.
- 8.12. Every **owner** must give notice in writing to a **building official** and pay the non-refundable fee set out in the **District's** bylaws immediately upon any change in ownership or change in the address of the **owner** which occurs prior to the issuance of an occupancy **permit**.
- 8.13. Every **owner** must give such other notice to a **building official** as may be required by the **building official** or by a provision of this bylaw.
- 8.14. Every **owner** shall obtain, prior to the occupancy of a building and **structure**, or part thereof, written permission from the **building official** to occupy the building, or part thereof, pursuant to Section 11.

9. OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 9.1. Every constructor must ensure that all **construction** is done in compliance with all requirements of the **Building Code**, this bylaw, and all other applicable enactments, standards, or bylaws.
- 9.2. Every constructor must ensure that no excavation or other **work** is undertaken on public property, and that no public or public property is disturbed, no building or **structure** erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 9.3. 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.

10. REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 10.1. The provision by the **owner** to the **District** of letters of assurance in accordance with the requirements of the **Building Code** shall occur prior to

- (a) the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a **complex building**; or
- (b) a final 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 **District** with letters of assurance in the form of Schedules C-A or C-B, as appropriate, as outlined in the **Building Code**.

10.2. 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** in the form and amount set by the prescribed form.

Requirement for a Registered Professional

- 10.3. 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
- (a) prior to the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a **complex building**; or
 - (b) prior to a final 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 **District** with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in the **Building Code**;
 - (c) **foundation** and excavation components of new **simple buildings** and **additions** greater than 55m² to **simple buildings** in accordance with the **Building Code**, except where an unsafe condition may exist;
 - (d) a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the **Building Code**;
 - (e) prior to **alterations** to a building, or to structural components of a building described in paragraph (b);
 - (f) for a building in respect of which the **building official** determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the **Building Code**;
 - (g) 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) dwelling units, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the **Building Code**; and

- (h) for a parcel of land on which a building or **structure** is proposed if the **building official** believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, or avalanche, and the requirements for a **professional design** is in addition to a requirement under Part 3, Division 8 of the Community Charter
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the **Building Code** and applicable bylaws of the **District**.
- 10.4. The **building official** may require any registered professional carrying out the **professional design** and field review required under Section 10.1 to 10.8 to provide evidence that they have experience and expertise in respect of the **professional design** and field review of the context and scope required and at the discretion of the **building official**, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.

Professional Plan Certification

- 10.5. The letters of assurance in the form of Schedules A and B as referred to in the **Building Code** and referred to in Sections 10.1 and 10.3 are relied upon by the **District** and its **building officials** as certification that the design and plans to which the letters of assurance refer comply with the **Building Code**, this bylaw, and other applicable enactments, standards, or bylaws.
- 10.6. Letters of assurance must be in the form of Schedules A and B referred to in the **Building Code**.
- 10.7. For a building **permit** issued for the **construction** of a **complex building**, the **building official** shall provide the **owner** with a notice that the building **permit** is issued in reliance on the certification of the registered professional that the **professional design** and plans submitted in support of the application for the building **permit** comply with the **Building Code** and other applicable enactments, standards, or bylaws. Any failure on the part of the **building official** to provide the **owner** with the notice will not diminish or invalidate the reliance by the **District** or its **building officials** on the registered professionals.
- 10.8. If a building **permit** is issued for a **construction** involving registered professionals, the permit fee is to be reduced as prescribed within the District's Bylaws.

Alternative Solutions

- 10.9. An **owner** who wishes to provide **alternative solutions** to satisfy one or more of the requirements of the **Building Code** or this bylaw must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed **alternative solutions** will

provide the level of performance required by the **Building Code** or this bylaw and pay the fee specified in the **District's** bylaws.

11. BUILDING PERMIT APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

- 11.1. Prior to the application of a building **permit**, the **owner** must satisfy the following requirements or conditions:
- (a) the **owner** must apply for and obtain a development permit if the building or **structure** is in an area designated by the **District's** Official Community Plan as a development permit area;
 - (b) the **owner** must ensure the proposed building or **structure** complies with all bylaws of the **District**, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
 - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed building or **structure** will be **constructed**, and the subdivision plan must have been registered in the Land Title Office;
 - (d) the **owner** must provide evidence to the **building official** showing that the person applying for the building **permit** is either the **owner** of the parcel that is the subject of the proposed building **permit**, or is the **agent**, in which case, the **agent** must provide the name and contact information of the **owner**;

Requirements Prior to Issuance of a Building Permit

- 11.2. Prior to the issuance of a building **permit**, the **owner** must satisfy the following requirements or conditions:
- (a) if the parcel that is the subject of the building **permit** application is not intended to be connected to the **District's** sewage disposal system, the **owner** must apply for and obtain approval from the **District** and meet the requirements of the BC Public Health Act for an alternate private sewage disposal system;
 - (b) if the parcel that is the subject of the building **permit** application is not intended to be connected to the **District's** waterworks system, the **owner** must apply for and obtain approval from the **District** and meet the requirements of the Subdivision and Development Servicing Bylaw for an alternate water supply system, including existing privately owned utilities in the **District**;

- (c) if the parcel that is the subject of the building **permit** application is not able to provide for a design for on-site storm management, the **owner** must apply for and obtain approval from the **District** and meet the requirements of the Subdivision and Development Servicing Bylaw to connect to the **District's** storm water system; and

Added by Bylaw 1190

- (d) the **owner** must apply for and obtain a **Driveway Access Permit** in accordance with the Highways Bylaw, as amended from time to time.

11.3. The requirements in Section 11.2 are subject to the requirements of the **District's** Zoning Bylaw and all other applicable enactments, standards, or bylaws.

Building Permit Applications for Complex Buildings

11.4. An application for a building permit with respect to a complex building must

- (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;
- (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
- (c) be accompanied by the **owner's** acknowledgement of responsibility and undertaking in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the **permit** application;
- (e) include a **Building Code** compliance summary including the applicable edition of the **Building Code**, such as without limitation whether the building is designed under Part 3 or Part 9 of the **Building Code**, major occupancy classification(s) of the building, building area, and building height, number of streets the building faces, and accessible entrances, **work** areas, washrooms, firewalls and facilities;
- (f) include a copy of a survey plan prepared by a British Columbia Land Surveyor, except that the building official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (g) include a construction fire safety plan, material staging and trucking route plan;
- (h) include a site plan prepared by a registered professional showing: (all dimensions are to be shown in metric and imperial measurements)
- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;

- (ii) the legal description and civic address of the parcel;
- (iii) the location and dimensions of existing and proposed statutory rights of way, covenant areas, easements and setback requirements, adjacent streets and lane names;
- (iv) the location and dimensions of **existing** and proposed buildings or **structures** on the parcel;
- (v) setbacks to the natural boundary of any lake, swamp, pond, or watercourse;
- (vi) north arrow;
- (vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system, or storm water drainage system;
- (viii) zoning compliance summary;
- (ix) the location, dimensions, and gradient of parking and driveway access;
- (x) proposed and existing setbacks to property lines;
- (xi) geodetic natural and finished grade at building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain **foundation** height;
- (xii) first storey floor elevation based on geodetic datum;
- (xiii) location, setbacks, and elevations of all **retaining walls**, steps, stairs, and decks;
- (xiv) line of upper floors;
- (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xvi) location of existing and proposed service connections;
- (xvii) location and species of all trees greater than 10cm in diameter;
- (xviii) location of top bank and water courses;
- (xix) access routes for firefighting;
- (xx) accessible paths of travel from the street to the building;
- (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or **structure** where the **District's** land use regulations or

Provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

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

- (i) include floor plans showing the dimensions and uses and occupancy classification of all areas, including:
 - (i) the dimensions and height of crawl and roof spaces;
 - (ii) the location, size, and swing of doors;
 - (iii) the location, size, and opening of windows;
 - (iv) floor, wall, and ceiling finishes;
 - (v) fire separations;
 - (vi) plumbing fixtures;
 - (vii) structural elements; and
 - (viii) stair dimensions;
- (j) include a minimum of two cross-sections through the building or **structure** in sufficient detail and locations to illustrate **foundations**, drainage, ceiling heights, and **construction** systems, including thermal and building envelope assemblies;
- (k) include elevations of all sides 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 **District's** Zoning Bylaw and development permit area guidelines;
- (l) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building conforms to the **Building Code**;
- (m) include all other requirements of Sections 2.2.1., 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the **Building Code**;
- (n) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal permits, highway access permits, and Ministry of Health approvals;

- (o) include letters of assurance in the form of Schedule A referred to in the **Building Code**, signed by the **owner**, or a signing officer if the **owner** is a corporation, and the coordinating registered professional;
- (p) include letters of assurance in the form of Schedule B referred to in 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;
- (q) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (l) of this section;
- (r) include fire flow calculations confirming adequate water supply for firefighting;
- (s) include illustration of any slopes on the subject parcel that exceed 10%; and
- (t) include all documentation required by **District** procedures, as amended from time to time.

11.5. In addition to the requirements of Section 11.4 of this bylaw, a **building official** may require the following to be submitted with a **permit** application for the **construction** of a **complex building** if the complexity of the proposed building or **structure** or siting circumstances warrant

- (a) site servicing drawings, including sufficient detail of **off-site services** to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the **District's** Subdivision and Development Servicing Bylaw;
- (b) a section through the site showing grades, buildings, **structures**, parking areas, and driveways; and
- (c) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code**, and other applicable enactments, standards, or bylaws relating to the building or **structure**.

Building Permit Applications for Simple Buildings

11.6. An application for a building **permit** with respect to a **simple building** must

- (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;
- (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;

- (c) be accompanied by the **owner's** acknowledgement of responsibility and undertaking in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the **permit** application;
- (e) include a copy of a survey plan prepared by a British Columbia Land Surveyor except that the **building official** may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (f) include a site plan showing: (all dimensions are to be shown in metric and imperial measurements)
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of existing and proposed statutory rights of way, easements, covenant areas, and setbacks requirements, adjacent streets and lane names;
 - (iv) the location and dimensions of **existing** and proposed buildings or **structures** on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond, or watercourse;
 - (vi) north arrow;
 - (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system, or storm water drainage system;
 - (viii) the location, dimensions, and gradient of parking and driveway access;
 - (ix) proposed and existing setbacks to property lines;
 - (x) geodetic natural and finished grade at building corners and datum determination points;
 - (xi) on-site storm water management;
 - (xii) first storey floor elevation based on geodetic datum;
 - (xiii) location, setbacks, and elevations of all **retaining walls**, steps, stairs and decks;
 - (xiv) line of upper floors;
 - (xv) location and elevation of curbs, sidewalks, manholes, and service poles;

- (xvi) location of existing and proposed service connections;
- (xvii) location and species of all trees greater than 10cm in diameter;
- (xviii) location of top bank and water courses;
- (xix) access routes for firefighting;
- (xx) accessible paths of travel from the street to the building;
- (xxi) zoning compliance summary; and
- (xxii) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or **structure** where the **District's** land use regulations or Provincial flooding mapping regulations establish siting requirements related to minimum floor elevation,

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

- (g) include floor plans showing the dimensions and uses of all areas, including:
 - (i) the dimensions and height of crawl and roof spaces;
 - (ii) the location, size, and swing of doors;
 - (iii) the location, size, and opening of windows;
 - (iv) floor, wall, and ceiling finishes;
 - (v) plumbing fixtures;
 - (vi) structural elements; and
 - (vii) stair dimensions;
- (h) include a minimum of two cross-sections through the building or **structure** in sufficient detail and locations to illustrate **foundations**, drainage, ceiling heights, and **construction** systems, including thermal and building envelope assemblies;
- (i) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations, and natural and finished grade to comply with the **Building Code** and to illustrate that the building or **structure** conforms with the **District's** Zoning Bylaw and Official Community Plan;

- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or **structure** substantially conforms to the **Building Code**;
- (k) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal permits, highway access permits, and Ministry of Health approvals;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the **building official** determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section;
- (n) include a **Building Code** compliance report, including **Step Code** requirements as per Section 17 summary including the applicable edition of the **Building Code**, such as, without limitation, whether the building is designed under Part 3 or Part 9 and compliance with article 2.2.2.1.(2), Division C of the **Building Code**; and
- (o) include all documentation required by **District** procedures, as amended from time to time.

11.7. In addition to the requirements of Section 11.5 of this section, if a **project** involves

- (a) two or more buildings, the gross floor areas of which in the aggregate total more than 1000m²;
- (b) two or more buildings that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed building or **structure** or siting circumstances warrant;
- (d) a **building official** may require the following be submitted with a **permit** application for the **construction** of each **simple building** in the **project**:
 - (i) a section through the site showing grades, buildings, **structures**, parking areas and driveways;
 - (ii) a roof plan and roof height calculations;
 - (iii) structural, electrical, plumbing, mechanical, or fire suppression drawings prepared and sealed by a registered professional;
 - (iv) letters of assurance in the form of Schedule B referenced in the **Building Code**, signed by a registered professional; and

- (v) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code**, and other applicable enactments, standards, or bylaws relating to the building or **structure**.

Site and Location Information

- 11.8. Without limiting Sections 11.4(h) or 11.6(f) of this section, the **building official** may in writing require an **owner** to submit an up-to-date plan or survey prepared by a British Columbia Land Surveyor which contains sufficient information respecting the site and location of any building to
- (a) establish, before **construction** begins, that all the provisions of this and other applicable bylaws in relation to this information will be complied with;
 - (b) verify, on completion of the **construction**, that all provisions of this and other applicable bylaws have been complied with;
 - (c) in relation to an **existing** building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades;
 - (d) in relation to **construction** of a new building, or **addition** to an **existing** building, prior to and after the placement of concrete for **foundations** and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location, and elevation; and

Item (e) added by Bylaw 1190

- (e) in relation to an **existing** building, construction of a new building or an addition to an existing building, show the location, dimension and gradient of parking, **Driveway** and **Driveway Access**;

and every person served with a written requirement under this section must comply with this requirement.

- 11.9. An application for a **permit** may be refused when
- (a) any of the requirements of this section have not been satisfied;
 - (b) the proposed **construction** would contravene the requirements of the **Building Code** or the provisions of this or any other bylaw of the **District**; or
 - (c) the applicant or **owner** has been notified of a violation of this or any other bylaw of the **District** with regard to **construction**, occupancy or use of any building, **structure** or part thereof, and such violation has not been remedied.

Building Permit Fee

11.10. Before receiving a building **permit** for a building or **structure**, the **owner** must first pay to the **District**

- (a) the building **permit** fee prescribed in the **District's** bylaws; and
- (b) any other fees, fines or penalties, charges, levies, or taxes imposed by the **District** and payable under an enactment at the time of issuance of the building **permit**.

11.11. The application fee shall be credited against the **permit** fee when the **permit** is issued.

Valuation for Permit

11.12. The valuation of **construction** set out in the application for a **permit** shall be the total current monetary worth of all **construction** or **work** related to the building or **structure**, and shall include

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

11.13. The **building official** may place a value on the **construction** or **work** for the purposes of determining applicable **permit** fees by using an appropriate method from the "Marshall Valuation Services" publications with the updated "current cost multipliers," or such universal source of calculating valuation as the **building official** deems reasonable, practical, and expedient.

Security Deposit with Building Permit Application

11.14. An applicant for a building **permit** must pay to the **District**, at the time of application, a security deposit in accordance with the **Building Permit Security Deposit Policy**.

Permit Fee Refunds

11.15. No fee or part of a fee paid to the **District** may be refunded if **construction** of the building has commenced.

11.16. The **building official** may approve a refund of an application fee or portion thereof only if plan checking has not commenced.

- 11.17. A building **permit** or other **permit** fee may be partially refunded as set out in the **District's** bylaws, only if
- (a) the **owner** has submitted a written request for a refund;
 - (b) the **building official** has certified a start has not been made on the **construction** of the building or **structure**; and
 - (c) the **permit** has not expired.
- 11.18. A building **permit** or other **permit** fee is not refundable after the **permit** has been extended under Section 11.58 of this section.
- 11.19. Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

Design Modification

- 11.20. If an issued building **permit** or other **permit** is active and the **owner** proposed modification to the building design whereby the value of the **work** does not increase or the value of the **work** decreases, the **owner** must pay to the **District** a building **permit** fee based on the plan review rate set out in the **District's** bylaws.

Construction Before Permit Issued

- 11.21. The building **permit** or other **permit** fee is doubled for every **permit** application if **construction** commenced before the **building official** issued a **permit**.
- 11.22. If **construction** has advanced without inspection to a stage where compliance with this bylaw or other applicable enactments, standards, or bylaws cannot be readily determined, the **building official** may require tests and investigations by an independent agency at the **owner's** expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a **permit**.

Expiration of Application for a Permit

- 11.23. A building **permit** or **permit** application expires 180 days from a date an application is received under this section if the building **permit** or **permit** is not issued by the application expiration date, unless the **permit** is not issued only due to delays caused by the **District**.
- 11.24. When an application is cancelled
- (a) the application fee is forfeited to the **District**; and
 - (b) the plans and related documents submitted with the application will be destroyed. The applicant will be notified that the application has been cancelled and will be given 30 days to retrieve plans and related documents.

Refusal to Issue Permit

- 11.25. The **building official** may refuse to issue a **permit** where in their opinion
- (a) the proposed **work** will contravene the requirements of the **Building Code** or the provisions of this or any other bylaw of the **District**;
 - (b) the applicant or **owner** has been notified of a violation of this or any other bylaw of the **District** with regard to the **construction**, occupancy, or use of any building, **structure**, or part thereof, and such violation has not been remedied;
 - (c) the results of the tests on materials, devices, **construction** methods, structural assemblies, or **foundation** conditions are not satisfactory to the **building official**; or
 - (d) the parcel referred to in the **permit** application does not
 - (i) have vehicular access; or
 - (ii) meet requirements of other **District** bylaws;
- such **permit** refusal must be in writing and sent to the **permit** applicant.

Issuance of a Building Permit

- 11.26. Each building, **structure**, or part thereof **constructed** on a site requires a separate **permit** and shall be assessed a separate **permit** fee based on the value of that building, **structure**, or part thereof.
- 11.27. If
- (a) a completed application in compliance with Sections 11.1, 11.2 to 11.4 or 11.5 to 11.6, including all required supporting documentation, has been submitted;
 - (b) the **owner** has paid all applicable fees set out in Sections 11.10 and 11.14 and the **District's** bylaws;
 - (c) the **owner** or their representative has paid all charges, penalties, or fines and met all requirements imposed by any other enactment or bylaw;
 - (d) the **owner** has retained a professional engineer or geoscientist if required under this bylaw;
 - (e) the **owner** has retained an architect if required under this bylaw; and
 - (f) no covenant, agreement, resolution, or regulation of the **District** requires or authorizes the **permit** to be withheld,

the **building official** must issue the **permit**, in the prescribed form provided by the **District**, for which the application is made, and the date of issuance is deemed to be the date the **permit** has been picked up by the **owner**.

Compliance with the Homeowner Protection Act

- 11.28. If the application in respect of a building that includes, or will include, a residential occupancy governed by the Homeowner Protection Act, the building **permit** must not be issued unless the **owner** provides evidence under Section 30(1) of the Homeowner Protection Act, that the proposed building
- (a) is covered by home warranty insurance; and
 - (b) the constructor is a licensed “residential builder” as defined in that Act.
- 11.29. Section 11.28 of this section does not apply if the **owner** is not required to be licensed and to obtain home warranty in accordance with Sections 20(1) or 30(1) of the Homeowner Protection Act.
- 11.30. Every **permit** is issued subject to the **owner** and constructor maintaining compliance with the Homeowner Protection Act and negotiations under it during the term of the **permit**.

Partial Permits

- 11.31. The building official may issue a permit for a portion of a building or structure before the design, plans and supporting documents for the entire building or structure have been reviewed provided sufficient information has been provided to the District to demonstrate to the building official that the portion authorized to be constructed substantially complies with this and other applicable District bylaws and the permit fee applicable to that portion of the building or structure has been paid. Notwithstanding the issuance of the permit, the requirements of this 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.
- 11.32. If a site has been excavated under a building **permit** for excavation issued under this bylaw and a building **permit** is not subsequently issued or a subsisting building **permit** has expired under Section 11.56, but without the **construction** of the building or **structure** for which the building **permit** was issued having commenced, the **owner** must fill in the excavation to restore the original gradients to the site within 60 days of being served notice by the **District** to do so.
- 11.33. If a building **permit** with partial commencement of **construction** has discontinued for more than 90 days or when the **permit** has expired, been revoked, or cancelled with no extension requested of the **building official** under Section 11.59, every **owner** must install permanent type fencing with privacy screen complying with the **District’s** Zoning Bylaw around the building site for protection to the public.

Conditions of a Building Permit

- 11.34. A building **permit** or an application for a building **permit** that is in process 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 non-refundable fee required in the **District's** bylaws. The transfer or assignment of a building **permit** is not an extension of a building **permit**.
- 11.35. The review of plans and supporting documents and issuance of a building **permit** do not prevent the **building official** from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building **construction** or occupancy being carried on when in violation of this or another bylaw.

Inspections

- 11.36. Despite the requirement for the **building official's** acceptance of the **work** outlined in Section 11.39, if a registered professional provides letters of assurance, the **District** will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the **construction** referenced by those letters of assurance substantially conform to the design, plans, and specifications and that the **construction** complies with the **Building Code**, this bylaw and other applicable enactments, standards, or bylaws respecting safety. Copies of all field reviews must be submitted to the **District**.
- 11.37. Despite Section 11.36 of this section, a **building official** may attend the site from time to time during the course of **construction** to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 11.38. A **building official** may attend periodically at the site of the **construction of simple buildings or structures** to ascertain whether the **work** is being carried out in substantial conformance with the **Building Code**, this bylaw, and any other applicable enactments, standards, or bylaws concerning safety.
- 11.39. For all **work** in respect of **simple buildings** the **owner** must give at least 24 hours notice to the **District** when requesting an inspection and must obtain an inspection and receive a **building official's** written acceptance of the following aspects of the **work** prior to concealing them:
- (a) after demolition, the grading and removal of debris from the site;
 - (b) footings, after preparation for footings are complete, prior to placement of concrete;
 - (c) **foundation**, after forms for **foundation** walls are completed, prior to placement of concrete;

- (d) backfill, after damp-proofing and **foundation** drainage are in place, prior to backfilling;
- (e) sanitary sewer service, after sewer line is in place and under test, prior to backfilling;
- (f) domestic water service, after the water service lines are in place and water has been turned on, prior to backfilling;
- (g) under-slab plumbing, prior to inspection under Section 11.38 (h), plumbing located below the finished slab level;
- (h) under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of concrete **foundation** walls are in place, prior to covering;
- (i) installation of rough-in plumbing, when complete and under test, prior to covering;
- (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors, and windows, but prior to the installation of insulation, interior finishes, sheathing paper, or exterior finishes which would conceal such **work**;
- (k) insulation, air, and vapour barrier, after all insulation and vapour barrier is in place, prior to any lath or other interior finish being applied which conceal the **work**;
- (l) on-site constructed tubs or showers and tub or shower trap tests;
- (m) occupancy and final, after the **health and safety aspects of the work** and the conservation, **GHG** emissions reduction and accessibility aspects of the **work** when the building or **structure** is substantially complete, ready for occupancy but prior to occupancy; and

Added by Bylaw 1190

- (n) the location, dimensions and gradient of parking and **Driveway** and access routes for firefighting.

11.40. Where required, additional inspections may be required in the following cases:

- (a) **retaining walls** shall be inspected in accordance with Section 13 of this bylaw;
- (b) moving of buildings shall be inspected in accordance with the requirements of Section 14 of this bylaw.
- (c) swimming **pools** and fences shall be inspected upon completion and prior to filling the **pool** with water pursuant to Section 16 of this bylaw;

- (d) **on-site services** shall be inspected in accordance with Section 19 and any other inspections that may be required pursuant to this bylaw;
 - (e) **awnings, canopies, or marquees** shall be inspected in accordance pursuant to Section 21 of this bylaw;
 - (f) **manufactured home** parks, campgrounds, and RV parks shall require inspections pursuant to Section 22 of this bylaw;
- 11.41. A building official will only carry out an inspection under Section 11.39 if the owner or agent has requested the inspection online or by phoning the designated inspection line in accordance with this bylaw.
- 11.42. No person may conceal any aspect of the **work** referred to in Section 11.39 of this bylaw until a **building official** has accepted it in writing.
- 11.43. For **work** in respect of **complex buildings**, the **owner** must
- (a) give at least 24 hours notice to the **District** online or by phoning the designated inspection line when requesting a pre-**construction** meeting with the **building official** prior to the 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) give at least 24 hours notice to the **District** online or by phoning the designated inspection line when requesting a 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 **District's** 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 **District** requirements and other applicable enactments, standards, or bylaws respecting safety and the conservation, **GHG** emissions, and accessibility aspects of the **work**; and
 - (c) cause the coordinating registered professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the coordinating registered professional, to deliver to the **building official** the Confirmation of Required Documentation described in the prescribed form provided by the **District**.

Orders and Notices

- 11.44. The **building official** may issue such written notices or orders as the **building official** considers necessary to inform the **owner** of a contravention of this bylaw.

- 11.45. A notice or order shall state the nature of the contravention and the date or phase of **construction** before which the contravention must be remedied.
- 11.46. A copy of the notice or order shall be sufficiently served if mailed to the **owner** at the address appearing on the records of the Assessment Authority of British Columbia for the parcel to which the notice or order relates.

Stop Work Orders

- 11.47. The **building official** may direct the immediate suspension or correction of all or a portion of the **construction** on a building or **structure** by attaching a Stop Work Order on the premises when it is found that the **work** is not being performed in accordance with the requirements of the **Building Code**, any applicable bylaw of the **District** or the applicable provisions of the Homeowner Protection Act.
- 11.48. 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.
- 11.49. If a registered professional's services are terminated, the **owner** must immediately stop any **work** that is subject to their design or field review and the **building official** is deemed to have issued a Stop Work Order under Section 11.47.
- 11.50. The **owner** must immediately, after the posting of a notice under Section 11.47, secure the **construction** and the lands and premises surrounding the **construction** in compliance with the safety requirements of every statute, regulation, or order of the Province or of a Provincial agency and of every applicable bylaw of the District.
- 11.51. Subject to 11.47, no **work** other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 11.47 until the Stop Work Order has been removed by the **building official**.
- 11.52. The notice referred to in Section 11.47 must remain posted on the premises until that which is contrary to the applicable enactments, standards, or bylaws has been remedied.

Do Not Occupy Notice

- 11.53. If a person occupies a building or **structure** or part of a building or **structure** in contravention of this bylaw, a **building official** may post a Do Not Occupy Notice on the affected part of the building or **structure**.
- 11.54. If a notice is posted under Section 11.53, the **owner** of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease occupancy of the building or

structure immediately and refrain from further occupancy until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a **building official**.

Inspection and Other Fees

- 11.55. In addition to the fees required under other provisions of this bylaw, the **owner** must pay the non-refundable fee set out in the **District's** bylaws for
- (a) a second and each subsequent re-inspection where it has been determined by the **building official** that due to non-compliance with the provisions of this bylaw or due to non-complying **work**, more than one visit is required for any required inspection;
 - (b) a special inspection during the **District's** normal 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) an inspection required under this bylaw which cannot be carried out during the **District's** normal business hours.

Permit Expiration

- 11.56. 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 180 days from the date of issuance of the **permit** unless extended under Section 11;
 - (b) **work** is discontinued for a period of 180 days; or
 - (c) the **work** is not completed within three years of the date of issuance of the **permit**.
- 11.57. Where a **permit** has expired, the **work** shall cease and the **construction** shall be removed, unless a new **permit** application is made within 180 days of the expiry date of the **permit**.
- 11.58. 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 enactments, standards, or bylaws in force at the time of the new application.

Permit Extension

- 11.59. Where **construction** has not commenced within 180 days from the date the **permit** was issued, the **building official** may extend the **permit** for a period not more than 180 days from the date of expiry of the original **permit**, but the **permit** shall then be void if **construction** has not started within 360 days from the original date of the issuance of the **permit**, if

(a) application for the extension is made at least 30 days prior to the date of **permit** expiration, and

(b) the non-refundable fee set out in the **District's** bylaws has been paid.

11.60. Where **construction** has commenced and has not been discontinued or suspended for a period of more than 180 days, the **building official** may extend the expiry date for the **permit** for such period of time as the **building official** considers reasonable, where the **building official** is satisfied that there exists a reasonable excuse for the delay in completing **construction**, if

(a) application for the extension is made at least 30 days prior to the date of **permit** expiration;

(b) the non-refundable fee set out in the **District's** bylaws has been paid; and

(c) the **owner** or their representative has paid all charges, penalties, or fines and met all requirements imposed by any other enactment or bylaw.

Building Permit Revocation

11.61. The **building official** may revoke a building **permit** if in their opinion, there is a violation of

(a) a condition under which the **permit** was issued;

(b) any provision of the **Building Code** or of this or another bylaw of the **District**,

(c) the **permit** was issued in error;

(d) cancellation or termination of Homeowner Protection Office Registration occurs prior to finalization of **permit**;

(e) the **permit** was issued on the basis of false or incorrect information; or

(f) the results of any tests carried out pursuant are not satisfactory to the **building official**,

such **permit** revocation must be in writing and sent to the **permit** holder by signature mail to, or personal service on, the **permit** holder.

Building Permit Cancellation

11.62. A building **permit**, or a building **permit** application, may be cancelled by the **owner** or **agent** on delivery of written notification of the cancellation to the **building official**.

11.63. On receipt of the written cancellation notice, the **building official** must mark on the application, and a **permit** if applicable, the date of cancellation and the word "cancelled".

- 11.64. If the **owner** or **agent** submits changes to an application after a **permit** has been issued 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 mark on the **permit** the date of cancellation or amendment and the **work** “cancelled” or “amended”.
- 11.65. If a building **permit** application or **permit** is cancelled, and **construction** has not commenced under the **permit**, the **building official** must return to the **owner** any fees deposited under the **District’s** bylaws, less
- (a) any non-refundable portion of the fee; and
 - (b) 15% of the refundable portion of the fee.

Occupancy

- 11.66. No person may occupy a building or **structure** or part of a building or **structure** until a final inspection notice has been issued by a **building official** for
- (a) the first occupancy of a building or **structure** or part thereof after completion of **construction**; or
 - (b) any **change of use or occupancy** of any building or **structure** or part thereof.
- 11.67. A final inspection notice will not be issued unless
- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
 - (b) all aspects of the **work** requiring inspection and review pursuant to Sections 11.39 to 11.40 and 11.43 of this bylaw have both been inspected and **reviewed** or the inspections and review are not required in accordance with this bylaw;
 - (c) the **owner** has provided to the **District** a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location, and elevation determined in accordance with the **District’s** land use regulations;
 - (d) all other documentation required under applicable enactments, standards, or bylaws has been delivered to the **District**;
 - (e) where any of the requirements for life and fire safety have been deemed to be satisfied by an **alternative solution** pursuant to provisions of the **Building Code**, the **owner** shall submit to the **building official**, prior to use or occupancy of the building or **structure**, certification from the registered professional responsible for the equivalency, that the **construction** substantially complies with the requirements set out in the **alternative solution** report; and

- (f) all required **off-site services** and **on-site services** respecting safety have been completed.

11.68. When a registered professional provides letters of assurance in accordance with this bylaw, the **District** will rely solely on the letters of assurance when issuing a final report authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the **Building Code**, this bylaw, and other applicable enactments, standards, or bylaws respecting safety.

Partial Occupancy

11.69. A **building official** may issue a final inspection notice for partial occupancy of a portion of a building or **structure** under **construction** when

- (a) that portion of the building or **structure** is self-contained and provided with essential services respecting **health and safety aspects of the work**, and if applicable, accessibility, **GHG** emissions, and conservation;
- (b) the requirements set out in Section 11.67 have been met with respect to that portion of a building or **structure**; and

Item (c) added by Bylaw 1190

- (c) the owner has applied for and obtained a Driveway Access Permit in accordance with the Highways Bylaw as amended from time to time.

11.70. The **owner**, developer, or builder shall ensure that no unsafe condition exists or will exist resulting from the **work** being undertaken or not completed.

11.71. The **building official** may withhold an occupancy **permit** until the building, **structure**, or part thereof complies with this bylaw, the **Building Code**, and any other applicable enactments, standards, or bylaws.

11.72. The **building official** may revoke an approval for occupancy for failure to comply with any conditions of the approval.

Sanitary Facilities

11.73. During the time a building **permit** has been issued and remains valid under this bylaw, the **owner** must provide on the parcel of land in respect of which the **permit** has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relations to the **work** referred to in the **permit**, which facilities must be accessible and unlocked when not occupied while **work** is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a

- (a) sanitary sewer; or

- (b) septic disposal system approved under the BC Public Health Act,

by plumbing that complies with the **Building Code** and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

12. TEMPORARY BUILDINGS

Temporary Buildings

- 12.1. Subject to the bylaws of the **District** and order of the **District's** Council, a **building official** may issue a building **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** is located in compliance with the **District's** Zoning Bylaw, built in compliance with the **Building Code** and this bylaw, and connected, as required by applicable enactments, standards, or bylaws, to **District** utility services.
- 12.2. An application for a building **permit** for the erection or placement of a **temporary building** or **structure** must be made in the form of a temporary **permit** application on the prescribed form provided by the **District**, signed by the **owner** or **agent**, and must include
 - (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;
 - (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) plans and supporting documents showing the location and building height of the building or **structure** on the parcel;
 - (d) plans and supporting documents showing **construction** details of the building or **structure**;
 - (e) a statement by the **owner** indicating the intended use and duration of the use;
 - (f) plans and supporting documents showing the proposed parking and loading space;
 - (g) a written description of the **project** explaining why the building is temporary;
 - (h) a copy of an issued development permit, if required;

- (i) in the case of a 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;
- (j) a report or drawing by an engineer, architect or designer confirming compliance with the **Building Code**, this bylaw, the **District's** Zoning Bylaw, and other applicable enactments, standards, or bylaws;
- (k) a security deposit in accordance with the **Building Permit Security Deposit Policy**; and
- (l) in the case of a **temporary building**, information to comply with article 1.1.1.1(2)(f), Division C of the **Building Code**.

12.3. Before receiving a building **permit** for a **temporary building** or **structure** for occupancy, the **owner** must pay to the **District** the applicable building **permit** fee set out in the **District's** Bylaws.

12.4. A **permit** fee for a **temporary building** or **structure** is not refundable.

Temporary Residence During the Period of Construction

12.5. Where a **temporary residence** is required during the period of **construction** of a new residence, the following conditions shall apply:

- (a) no more than one **temporary residence** shall be permitted on a lot and the lot shall be not smaller than 0.4ha (0.9884 acres);
- (b) the **temporary residence** may include a **manufactured home**, subject to the provisions of Section 22, or an **existing** single family dwelling legally sited on the subject property;
- (c) a **mobile home** or **modular home** that is used for a **temporary residence** shall be sited in conformity with the regulations of this bylaw and the BC Public Health Act and shall not be sited on a permanent **foundation** with a basement excavation;
- (d) the **temporary residence** shall be removed from the **owner's** land within 30 days of the end of the period of **construction** of the new residence except that the **temporary residence** may be converted to any non-residential use permitted within the applicable zone subject to
- (e) compliance with all other regulations of the applicable zone with respect to density and the siting, size, and dimensions of the building;

- (f) 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**;
- (g) refinishing of the exterior of the building to portray a building intended for the proposed use; and
- (h) completion of the conversion within 30 days of the end of the period of **construction** of the new residence;
- (i) a covenant shall
 - (i) be registered pursuant to Section 219 of the Land Title Act to permit the **temporary residence** during the period of **construction** and to prohibit the temporary residential use from continuing after the period of **construction** ends;
 - (ii) include an agreement by the **owner** to indemnify and save harmless the **District** against all costs and expenses incurred by the **District**, in default by the **owner**, in the conversion, demolition, or removal of the **temporary residence**, and/or legal costs incurred in pursuing such legal remedies as the **District** sees fit;
 - (iii) be registered as a condition precedent to the issuance of a building **permit** for the new residence;
- (j) a blanket statutory right-of-way shall
 - (i) be granted to the **District** permitting the **District** to enter onto the **owner's** land for the purpose of converting, demolishing, or removing the **temporary residence** in the event that the **owner** defaults;
 - (ii) be registered as a condition precedent to the issuance of a building **permit** for the new residence;
- (k) An irrevocable unconditional letter of credit from a chartered bank shall be drafted in favour of the Regional District, to be held as security for performance by the owner of his covenants and obligations with respect to the conversion, demolition or removal of the temporary residence. The amount of the letter of credit shall be 1.5 times the estimated cost of conversion, demolition, or removal of the temporary residence, which estimate shall be obtained from a qualified building, demolition, or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a building permit for the new residence; and
- (l) for the purposes of this section, "period of **construction**" shall mean
 - (i) the period of time commencing when a building **permit** is issued for the new residence and ending either one year from the date of issuance of the **permit**; or

- (ii) when a notice of conversion, demolition, or removal is delivered to the **owner**,
whichever event first occurs; and
- (m) the notice of conversion, demolition, or removal of the **temporary residence** shall be in writing and delivered from the office of the **building official** of the **District**.

13. RETAINING WALLS AND GRADES

- 13.1. Without limiting Section 2.3, no person may **construct**, or structurally repair, a **retaining wall** without a building **permit**.
- 13.2. Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed on a parcel, unless restrained by a permitted **retaining wall**, must not have a surface slope exceeding
 - (a) a ratio of one linear unit vertically to two linear units horizontally for filled material,
or
 - (b) a ratio of one linear unit vertically to one linear units horizontally for excavated material.
- 13.3. Without limiting Section 13.2, no person may occupy a building unless the finished grade complies with all applicable enactments, standards, or bylaws.
- 13.4. A registered professional shall undertake the design and conduct field reviews of the **construction of a retaining wall**
 - (a) greater than 1.22m in height;
 - (b) where a sequence of walls are placed closer than 2 horizontal to 1 vertical;
 - (c) where site drainage is impacted as determined by the **District Engineer**; or
 - (d) where other geotechnical concerns exist as determined by the **District Engineer**
- 13.5. Every application for a building **permit** to construct a **retaining wall** shall;
 - (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;
 - (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) be accompanied by a plan showing:

- (i) the location of the proposed **retaining wall(s)** in relation to **existing** buildings on the property in the form of a site plan drawn to scale;
- (ii) distances from the proposed **retaining wall(s)** to all **existing** buildings and to the property boundaries;
- (iii) sealed **construction** details from a registered professional for the **retaining wall** and the proposed method of drainage and final grading; and
- (d) where the **retaining wall** is supporting another building or **structure**, a letter of assurance in the form of Schedule B pursuant to the **Building Code**, signed by a registered professional.

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

14. BUILDING MOVE

- 14.1. Except as per Section 14.2, no person shall relocate a **manufactured home, structure**, building or part thereof into the **District** or from one property to another within the **District** unless the **owner** or **agent** has first obtained a building **permit** for that purpose as provided for in this bylaw.
- 14.2. The relocation of **manufactured homes** factory **constructed** and assembled more than 20 years prior to the date of **permit** application is prohibited. The year, make, model and serial numbers shall be determined by the CSA Rating Plate and/or the Province of British Columbia Mobile Home Registry.
- 14.3. Every application for a building move shall be in accordance with Sections 11.6 and 11.7 of this bylaw, and;
- (a) except were certified by a registered professional that the building will substantially comply with the current version of the **Building Code**;
 - (b) in the case of a manufactured building, be affixed with a CSA Rating Plate in respect of manufacture providing the year, make, model and serial number and/or the Province of British Columbia Mobile Home Registry.
- 14.4. A **building official** may require a report from an accredited restoration company or registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a building **permit** to relocate a **mobile home, modular home**, or other building.
- 14.5. Where a **mobile home** or **modular home** is less than five years old, the building evaluation may be waived by the **building official**.

- 14.6. The **owner** shall upgrade the following items where applicable to meet current **Building Code** requirements when a **mobile home, modular home,** or other building is relocated:
- (a) chimneys and fireplaces;
 - (b) any portions of the building in which failure is visibly evident without removing finishes;
 - (c) smoke alarms, carbon monoxide alarms, and fire exit windows;
 - (d) plumbing;
 - (e) required stairs;
 - (f) cladding shall be required and installed in accordance with the appropriate requirements of the **Building Code**; and
 - (g) the building shall be placed on a permanent **foundation**, except for **mobile homes** which are not required to be placed on a permanent **foundation**.
- 14.7. The **owner** shall replace the following systems when a **mobile home, modular home,** or other building is relocated if they are decayed, worn out, or otherwise damaged during the relocation and moving process:
- (a) roofing; and
 - (b) exterior finish or portions of the exterior finish.
- 14.8. All **construction** including relocations, **alterations** and **additions** for relocated **mobile homes, modular homes,** or other buildings shall be completed with 180 days of the date the **permit** was issued.
- 14.9. The **building official** may issue a **permit** for **construction** involved in the moving of any building, **structure,** or part thereof into or within the **District** when the **owner** has provided to the **District**
- (a) a security deposit in accordance with the **Building Permit Security Deposit Policy**;
 - (b) proof of liability and property damage insurance in the all-inclusive limits of \$5,000,000.00 to insure against damage or injury arising out of the moving of the building, **structure,** or part thereof; and
 - (c) an Oversized or Overweight Vehicle Permit approved by the District.
- 14.10. If the **owner** does not move the building, **structure,** or part thereof for which a **permit** is issued and complete **construction** within the time specified in Section 14.8, the **building official** may

notify the **owner** in writing and direct the **owner** to complete that **work** within 30 days from the date of the notice.

- 14.11. If the **work** is not completed within the 30 days, the **District** or its **agent** may enter, clean, and tidy the site at the expense of the **owner** and the costs shall be deducted from the security deposit.
- 14.12. If the building, **structure**, or part thereof to be moved is located on a property in the **District**, then the property must be returned to a safe, clean, and tidy condition within 120 days from the date of issuance of the **permit**.
- 14.13. Prior to the final occupancy approval for CAN/CSA A277 **modular homes**, the **building official** may require a letter of certification from the manufacturer providing information on assurances the buildings are code compliant.

15. NUMBERING OF BUILDINGS

- 15.1. Immediately upon issuance of a building **permit** governing the **construction, alteration** or repair of a building, or prior to and during occupancy of a building, the **owner** or occupant must display the address number assigned to it by the **District**
 - (a) on or over the entrance to the building or, where landscaping or **structures** obscure the visibility of a building entrance from the adjacent highway, on the building property within sight of the adjacent highway; and
 - (b) until such time as the building is removed from the site or has been demolished.
- 15.2. Despite Section 15.1 the **District Engineer** may renumber or alter the assigned numbers in respect of any building or any parcel, including those already in existence or numbered.
- 15.3. Without limiting Sections 15.1 or 15.2, a **building official** must, on the issuance of a building **permit**, designate a house number or set of house numbers related to the building authorized by the **permit**. The **owner** or occupier must post the number or numbers on the site immediately after obtaining the building **permit** and keep the numbers posted in a conspicuous location at all times during **construction**.
- 15.4. Without limiting Sections 15.1 through 15.3, on issuance of an occupancy **permit**, the **owner** or occupier of the parcel must affix the numbers permanently in a conspicuous place on the building such that the number is visible from an adjacent highway that is not a lane.

16. SWIMMING POOLS

- 16.1. Without limiting Section 2.3 of this bylaw, a person must not construct, or structurally repair, a **swimming pool** without a valid building **permit**.

- 16.2. Every application for a building **permit** to construct a **swimming pool** shall;
- (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;
 - (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) be accompanied by a plan showing:
 - (i) the location of the proposed **swimming pool** in relation to all **existing** buildings on the property and the property boundaries;
 - (ii) the location of the accessory building housing the **swimming pool** equipment in relation to all **existing** buildings on the premises and the property boundaries;

Deleted and replaced by Bylaw 1190

 - (iii) the water supply and proposed method of drainage in accordance with applicable District bylaws, including but not limited to the Sanitary Sewer Regulation and Rate Bylaw, Storm Water Management Bylaw and the Subdivision and Development Servicing Bylaw, as amended from time to time;
 - (d) include the type of **construction** for the pool and the proposed method of enclosure of the pool area;
 - (e) approval of design from the Local Health Authority having Jurisdiction, if the pool is accessible for public use.

Professional Design

- 16.3. In accordance with Section 10.3 of this Bylaw, professional design and field reviews may be required, subject to the complexity of the design and condition of soils where the pool is to be located.

Swimming Pool Fencing

- 16.4. A **swimming pool**, including a spa or hot tub, must be enclosed within a fence **constructed** without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22m and no openings greater than 100mm at their greatest dimension.
- 16.5. Where the access to the **swimming pool** is from a dwelling located on the same property as the **swimming pool**, the access may be directly from the dwelling.
- 16.6. The fence or equivalent barrier referred to in Section 16.4 shall be of chain link type material, solid material with a flat vertical surface, or vertically oriented material.

- 16.7. A **swimming pool** fence or equivalent barrier shall be in place, inspected, and approved prior to placing the water in a **swimming pool**.

Swimming Pool Gate

- 16.8. Access through a fence enclosing a **swimming pool**, spa or hot tub must be only through a self-closing and self-latching gate designed and **constructed** or 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 **swimming pool**, spa, or hot tub side of the gate.
- 16.9. All openings or gates in the fence or barrier shall be locked closed when not in use.

Spa or Hot Tub Lid

- 16.10. In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Above Ground Swimming Pools

- 16.11. A **swimming pool** which is located above ground and has vertical sides of at least 1.22m may be protected from access by fencing the access ladder to limit access, with a child resistant self-closing and self-latching gate through the fence.

Maintenance

- 16.12. A person may not place water in, use, or occupy a **swimming pool**, including a spa or hot tub, unless the **owner** or occupier of property on or in which a **swimming pool**, spa, or hot tub is located maintains every fence or cover required under Sections 16.4 to 16.9 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks, or broken or binding members.
- 16.13. - Deleted by Bylaw 1190

Leaks or Other Failures

- 16.14. A person may not obtain a valid and subsisting building **permit** for, or use or occupy, a **swimming pool** without first delivering to the **building official** at the time of the building **permit** application an opinion of a registered professional that the design of the **swimming pool** will not cause or result in leaks or other failures of the **swimming pool**.

17. ENERGY CONSERVATION AND GHG EMISSIONS REDUCTION

- 17.1. In relation to the conservation of energy and the reduction of **GHG** emissions, the **District** incorporates by reference the **Step Code** as outlined in the **Building Code** in accordance with Sections 17.2 through 17.3.

- 17.2. A building regulated by Part 9 of the **Building Code**, of new residential **construction**, must be designed and **constructed** to meet the minimum performance requirements specified in
- (a) Step 1 of the **Step Code** as of April 1, 2019 for all Part 9 buildings;
 - (b) Step 2 of the **Step Code** as of October 1, 2020 for
 - (i) Accessory Suites;
 - (c) Step 3 of the **Step Code** as of October 1, 2020 for
 - (i) Single Detached Housing;
 - (ii) Duplex Housing;
 - (iii) Three-plex Housing;
 - (iv) Four-Plex Housing;
 - (v) Rowhousing; and
 - (vi) Low Rise Apartment Housing;
 - (d) Step 3 of the **Step Code** as of January 1, 2022 for
 - (i) Accessory Suites.
- 17.3. **Permits** issued on or after the date of adoption of this bylaw for any dwelling which achieves Step 3, 4 or 5 of the **Step Code** will be eligible to receive a rebate as outlined in the **District's** Fees Bylaw.

18. ACCESS ROUTE FOR FIRE VEHICLE – *deleted by Bylaw 1190*

19. ON-SITE SERVICES

- 19.1. **On-site services** shall be designed and their **construction** carried out under the supervision of a registered professional.
- 19.2. A registered professional conducting a site service **project** shall complete required forms prior to the issuance of the occupancy **permit**.
- 19.3. As a condition of the issuance of a building **permit**, the **owner** shall provide works and **off-site services** in accordance with all the **District's** bylaws.
- 19.4. In the areas where the **construction** of a building is of a lower elevation than the **District** street adjoining the property, the building must be **constructed** so as to prevent any surface drainage

from the streets, roads, boulevard or **District** property to enter the carport, garage, or any other area of the building or property that could be damaged by such surface drainage.

- 19.5. The **owner** shall obtain approval of the **District** for all access and egress driveways, sidewalks, and crossovers prior to obtaining a building **permit**.
- 19.6. Where it is proposed to conduct waste to a sanitary sewer, or surface or roof water to a storm sewer, the **owner** or **agent** shall ensure that such service is of sufficient capacity to receive such discharge, and also arrange the connection to suit the location and the depth of the connection provided to the property by the **District**.
- 19.7. The **owner, agent,** or contractor shall design and install required water meters in accordance with **District** policies or bylaws, as amended from time to time. Installing a bypass to the water meter is prohibited.
- 19.8. The **owner, agent,** or contractor shall extend the sewer cleanout and curb stop at the property line to finished grade.
- 19.9. The installation of grease traps and interceptors shall, in addition to the requirements of the **Building Code,** be installed and maintained in accordance with **District** policies or bylaws, as amended from time to time.

20. CLIMATIC DATA

- 20.1. The climatic data for the design of buildings in the **District** shall be the data listed in the current edition of Division B Appendix C to the **Building Code** for Kelowna, British Columbia except
 - (a) for elevations higher than 1,200m above sea level, the ground snow load shall be based on investigations made for that specific site.

21. AWNINGS, CANOPIES, OR MARQUEES

- 21.1. Any **awning, canopy, or marquee** projecting over public property shall
 - (a) be designed by a registered professional;
 - (b) be supported entirely from the building to which it is attached;
 - (c) consist of non-combustible or protected combustible material;
 - (d) not project over a lane or roadway where a sidewalk or curb does not exist;
 - (e) be not less than 2.5m above the sidewalk measured from the lowest point of the **canopy** to the highest average elevation of sloping or level sidewalks, or adjacent ground level as the case may be;

- (f) be not less than 1m away from the curb line of the sidewalk measured horizontally to an imaginary line extending vertically below the furthest projection of the **canopy**; and
 - (g) not interfere with standpipes, fire exits, traffic lights, traffic signs, traffic, pedestrians, utilities, or city works.
- 21.2. Every **owner** of an **awning, canopy, or marquee** which is installed, **constructed**, or erected over public property shall enter into an agreement with the **District** in a form acceptable to the **District** to indemnify against and to save the **District** harmless for any and all liability resulting from injury to persons or damage to property which results from the presence, collapse, or failure of the **awning, canopy, or marquee**.

22. MANUFACTURED HOME PARKS, CAMPGROUNDS, AND RV PARKS

- 22.1. **Manufactured home** parks including **modular home** parks, **mobile home** parks, campgrounds, and recreational vehicle parks shall be designed and **constructed** in accordance with the requirements of all applicable **District** bylaws.
- 22.2. **Manufactured home** parks including **modular home** parks, **mobile home** parks, campgrounds, and recreational vehicle parks with more than ten pads or stalls shall be designed and **constructed** under the supervision of a registered professional using best engineering practices.
- 22.3. Registered professionals undertaking design and supervision for a **mobile home** park, campground, or recreational vehicle park shall complete all required submissions prior to issuance of the occupancy **permit**.

23. DEMOLITION PERMIT REQUIREMENTS

Demolition

- 23.1. An application for a building **permit** with respect to a demolishing a **building** or **structure** must:
- (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaw;
 - (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) provide to the **District** a vacancy date;
 - (d) provide a site plan showing all buildings and structures and servicing locations;

- (e) provide a hazardous materials assessment and remediation clearance letter for buildings constructed prior to 1992; and
 - (f) ensure that all municipal services and other services are capped and terminated at the property line in a **District** standard inspection chamber and valve arrangement.
- 23.2. Prior to obtaining a permit to **demolish a building or structure**, the owner must pay all applicable fees set out in the **District's** bylaws;
- 23.3. The demolition of buildings and **structures** shall be in accordance with Part 8 of the **Building Code** "Safety Measures at Construction and Demolition Sites."
- 23.4. The following items shall be required at demolition sites to the satisfaction of the building **official**:
- (a) all **construction** material and debris, including concrete **foundations** and septic/fuel tanks, are to be removed from the site;
 - (b) all services and utilities are to be disconnected at the property lines;
 - (c) the site shall be left in a clean and tidy condition within 90 days from the date of issuance of the demolition **permit**;
 - (d) should demolition not have commenced by the 90 day expiry date the **building official** may at their discretion cancel the **permit** by written notification;
 - (e) there shall be no refund for the demolition **permit**;
 - (f) any request to extend the 90 day time limit shall be received 30 days prior to the date of expiry in writing from the **owner** or **agent** and approved in writing by the **building official**; and
 - (g) where required for industrial and commercial demolition sites the Environmental Management Act shall apply.
- 23.5. Security deposits for demolition **permits** shall be required at the discretion of the **building official** based on the size, complexity, and nature of the building or **structure** to be demolished as follows:
- (a) when a building or **structure** exceeds 93m² in building area; or
 - (b) when a building or **structure** exceeds 12.5m in height
- a security deposit shall be required in accordance with the **Building Permit Security Deposit Policy**.

24. PLUMBING AND FIRE SUPPRESSION PERMITS

- 24.1. Without limiting Section 2.3 of this bylaw, a person must not install, replace or alter a plumbing or fire suppression system without making application and receiving a valid building **permit**.
- 24.2. Every application for a building **permit** to install, replace or alter a plumbing system or fire suppression system shall;
- (a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;
 - (b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) provide two (2) sets of isometric drawings where works are not performed by a qualified plumber for single family dwellings projects; or
 - (d) provide two (2) sets of drawings including design drawings, including storm water management systems, prepared by a register professional along with letter of assurance.
- 24.3. The design, installation and maintenance of plumbing and fire suppression systems shall conform to:
- (a) the B.C. Building Code;
 - (b) the B.C. Building Code, Division B, Part 3, Section 3.2.5. Provisions for Fire Fighting; and
 - (c) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire suppression systems.
- 24.4. Where a plumbing system has been installed or altered under permit for a simple building, an inspection shall be requested before:
- (a) the system is covered up; or
 - (b) the system is used.
- 24.5. 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 who is responsible for its design, as applicable.

25. OFFENCES

Violations

- 25.1. Without limiting Section 5 of this bylaw, every person who
- (a) violates a provision of this bylaw;
 - (b) permits, suffers or allows any act to be done in violation of any provision of this bylaw; and
 - (c) neglects to do anything required to be done under any provision of this bylaw,
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution.
- 25.2. Each day during which a violation, contravention, or breach of this bylaw continues is deemed to be a separate offence.
- 25.3. 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.
- 25.4. Every person who commences **work** requiring a building **permit** without first obtaining such a **permit** must, if a Stop Work Order is issued and remains outstanding for 30 days, pay an additional charge as outlined in the **District's** bylaws.

Deemed Offence

- 25.5. 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 of use or occupancy** of a building or **structure** or part of a building or **structure** on that parcel.
- 25.6. No person is deemed liable under Section 25.5 who establishes, on a balance of probabilities, that the **construction** or **change of use or occupancy** occurred before they became the **owner** of the parcel.
- 25.7. Nothing in Section 25.6 affects
- (a) the **District's** right to require and the **owner's** obligation to obtain a **permit**; and
 - (b) the obligation of the **owner** to comply with this bylaw.

Ticketing

- 25.8. The offences in the Bylaw Notice Enforcement Bylaw are designated for enforcement under Section 264 of the Community Charter.

- 25.9. The following persons are designated as bylaw enforcement officers under Section 24(1)(b) of the Community Charter for enforcing the offences in the Bylaw Notice Enforcement Bylaw:
- (a) building officials;
 - (b) fire inspectors; and
 - (c) persons designated by the **District's** Council as bylaw enforcement officers.
- 25.10. The words or expressions set forth in Column 2 of the Bylaw Notice Enforcement Bylaw are authorized pursuant to Section 264(1)(c) of the Community Charter to designate the offence committed under the bylaw section number appearing in Column 1, opposite the respective words or expressions.
- 25.11. The amounts appearing in Column 3 through 5 of the Bylaw Notice Enforcement Bylaw are the fines established pursuant to Section 265(1)(a) of the Community Charter for the corresponding offence designated in Column 2.

26. UNSAFE CONDITIONS

- 26.1. If the supply of electricity or natural gas has been disconnected due to a hazardous or potentially hazardous situation **existing** in the building or **structure** or part thereof, the supply of electricity or natural gas to the building or **structure** shall not be reconnected, the building shall not be occupied until
- (a) the **owner** has applied to the **building official** for a special safety inspection pursuant to this part and has paid the required fees;
 - (b) the building, **structure**, or part thereof has been inspected by the **building official** and, if considered necessary by the **building official**, by the **District** Fire Chief for compliance with this bylaw and any other bylaws or Provincial statutes or regulations relating to building, electrical, gas, or fire safety;
 - (c) the **owner** has obtained **permits** required to carry out the **works** necessary to bring the building, **structure**, or part thereof into compliance with applicable enactments, standards, or bylaws; and
 - (d) all of the **works** referred to in Section 26.1(c) have been completed and the building or **structure** has been brought into compliance with all applicable enactments, standards, or bylaws.

27. FORMS AND SCHEDULES

27.1. The District’s Corporate Officer shall provide application forms for all application processes required under this bylaw. Forms shall be as adopted by the District through policy from time to time.

28. REPEAL

28.1. Building Regulation Bylaw 709, 2011 and all amendments thereto are hereby repealed.

29. CITATION

29.1. This bylaw may be cited as “Building Regulation Bylaw 1070, 2018”.

READ A FIRST TIME this 4th day of December, 2018.
READ A SECOND TIME this 19th day of February, 2019.
READ A THIRD TIME this 19th day of February, 2019.

ADOPTED this 5th day of March, 2019.

Original signed by James Baker _____
Mayor

Original signed by Reyna Seabrook _____
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of “Building Regulation Bylaw 1070, 2018” as adopted by Council on the 5th day of March, 2019.

Dated at Lake Country, B. C.

Corporate Officer