



Salmon Arm

BUILDING BYLAW

NO. 3939

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CITY OF SALMON ARM
BUILDING BYLAW NO. 3939

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CITY OF SALMON ARM

BYLAW NO. 3939

Being a bylaw for the administration and enforcement of the Building Regulations of BC

WHEREAS the Community Charter authorizes the City of Salmon Arm, for the health, safety and protection of **persons** and property to regulate the **construction**, alteration, repair or demolition of buildings and **structures** by bylaw;

AND WHEREAS the Province of British Columbia has adopted a **building code** to govern standards in respect of the **construction**, alteration, repair or demolition of buildings in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the **building code**;

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

DIVISION ONE – PREAMBLE

1.1 Purpose of Bylaw

The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.

1.1.1 This bylaw has been enacted for the purpose of regulating **construction** within the **City** in the general public interest. The activities undertaken by or on behalf of the **City** pursuant to this bylaw are for the sole purpose of providing a limited and interim spot-checking and **monitoring** function for reason of health, safety and the protection of **persons** and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

- 1.1.1.1 to the protection of **owners, owner/builders, constructors** or occupiers from bodily injury or economic loss;
- 1.1.1.2 to the assumption by the **City** or any **Building Official** of any responsibility for ensuring the conformance by any **owner**, his/her **agent** or any employees, constructors or designers retained by him/her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;
- 1.1.1.3 to providing any **person** a warranty of design or workmanship with respect to any building or **structure** for which a building **permit** or occupancy certificate is issued under this bylaw;

DIVISION ONE – PREAMBLE (continued)

- 1.1.1.4 to providing a warranty or assurance that **construction** undertaken pursuant to building **permits** issued by the **City** is free from latent or any defects or complies with this bylaw; or
- 1.1.1.5 to the assumption by the **City** or any **Building Official** of any responsibility for ensuring that any **construction** will be geotechnically sound and will not be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, avalanche or other geohazards.

1.2 Metric Units

Metric units are used for all measurements in this bylaw. The approximate equivalent of those units in commonly used units of imperial measure (feet, inches, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this bylaw.

1.3 Scope and Exemptions

- 1.3.1 This bylaw shall apply to:
 - 1.3.1.1 any structural alteration to a building or **structure**;
 - 1.3.1.2 the design, **construction** and occupancy of a building when a building, or part thereof, is constructed on **site** or is assembled or placed on **site** as a factory-built unit or component;
 - 1.3.1.3 the work involved in the demolition when the whole or any part of a building or **structure** is demolished or removed;
 - 1.3.1.4 all parts of the building when the whole or any part of a building is moved;
 - 1.3.1.5 any alteration and to any part of a building affected by alterations to an extent which, in the opinion of the **Building Official** reduces the levels of public health and safety below the levels existing prior to the alteration;
 - 1.3.1.6 the renovation of a building when such work includes but is not limited to the alteration of room layouts, alteration of the insulation/vapour barrier in an exterior wall, creation of new openings in exterior walls or the completion of previously unfinished floor areas;
 - 1.3.1.7 all parts of the building affected by the change of use when occupancy and/or use of a building is changed;

DIVISION ONE – PREAMBLE (continued)

- 1.3.1.8 any part remaining when a building is damaged or destroyed to the extent of seventy-five (75%) percent or more of its value above its foundations as determined by the **Building Official**;
- 1.3.1.9 the design and **construction of retaining walls**;
 - 1.3.1.9.1 supporting any use or occupancy; or
 - 1.3.1.9.2 where the difference in finished grade elevations is greater than 1.2 m (4 ft) in height.
- 1.3.1.10 the design and installation of the plumbing system when a system is installed, repaired, renovated or altered;
- 1.3.1.11 the design and repair of the entire plumbing system where a condition exists that is, or may become dangerous or injurious to health, except where the portion of the system affected is completely independent from any other part of the system;
- 1.3.1.12 the design and **construction** or installation of solid fuel burning appliances, fireplaces and chimneys; or
- 1.3.1.13 the design, **construction** and installation of farm retail buildings, auction barns, show areas where bleachers are provided and other farm **structures** which exceed **low human occupancy** requirements.
- 1.3.1.14 the design and installation of ventilation control and fire protection for commercial cooking equipment falling within Part 6 of the **Building Code**.
- 1.3.2 This bylaw does not apply to:
 - 1.3.2.1 buildings or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein;
 - 1.3.2.2 temporary buildings such as emergency facilities, special events facilities and such similar **structures**;
 - 1.3.2.3 the clearing of stoppages or the repairing of leaks in the pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures or hot water tanks;
 - 1.3.2.4 the non-structural repair and maintenance of buildings or **structures** on a parcel zoned for single family residential occupancy under the current **City Zoning Bylaw**, except as required by 1.3.1.6;

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DIVISION ONE – PREAMBLE (continued)

- 1.3.2.5 the non-structural repair or replacement of roofing or exterior finish to existing buildings;
- 1.3.2.6 **farm buildings** situated on land used for a **bona fide agricultural operation** except as required by 1.3.1.13;
- 1.3.2.7 single-storey accessory buildings less than 10 m² (108 ft²) in building area; or
- 1.3.2.8 unroofed decks attached to or adjacent to single and two-family dwellings if the deck surface is 600 mm (24 in) or less above the adjacent ground level.

1.4 Climatic Data

Refer to the specifications contained in the appendix to the **Building Code**.

Where the **Building Code** requires foundations to be below the depth of frost penetration, the minimum depth of foundations below grade shall be 0.91 m (3 ft), unless otherwise approved or required by a soils engineer.

The minimum depth of burial below grade for water services shall be 1.5 m (5 ft.) and for sewer pipes shall be 0.91 m (3 ft.) unless other suitable means of frost protection is provided.

1.5 Other Enactments

Where any provincial act or regulation or any other **City** bylaw may apply to any matter covered by this bylaw, conformance with this bylaw shall not relieve the **owner** or his/her **agent** from conforming to provisions of such other act, regulation or bylaw.

DIVISION TWO – DEFINITIONS

All words and phrases shall have their normal or common meaning except where this is changed, modified, or expanded by the definitions set forth in this Division, or Part 1 of the **Building Code**.

- 2.1 **“Accepted”** means **accepted** in writing.
- 2.2 **“Agent”** means a person, firm, or company representing the owner, by designation or contract, and includes a hired tradesman or contractor.
- 2.3 **“Bona Fide Agricultural Operation”** means an operation classified as a farm by the Assessor under the Assessment Act.
- 2.4 **“Building Code”** means the current edition of the British Columbia Building Code adopted by the Minister pursuant to Section 692 (1) of the Local Government Act, as amended or re-enacted from time to time.
- 2.6 **“Building Official”** includes a person or persons designated by the City as Building Inspectors, Plumbing Inspectors or Plan Checkers, and includes supervisors for these positions.
- 2.7 **“City”** means the City of Salmon Arm.
- 2.8 **“Complex Building”** means:
- 2.8.1 all buildings used for major occupancies classified as:
 - 2.8.1.1 assembly occupancies;
 - 2.8.1.2 care or detention occupancies; or
 - 2.8.1.3 high hazard industrial occupancies.
 - 2.8.2 all buildings exceeding 600 m² (6458 ft²) in building area or exceeding three storeys in building height used for major occupancies classified as:
 - 2.8.2.1 residential occupancies;
 - 2.8.2.2 business and personal services occupancies;
 - 2.8.2.3 mercantile occupancies; or
 - 2.8.2.4 medium and low hazard industrial occupancies.
- 2.9 **“Construction”** includes erection, repair, alteration, enlargement, addition, installation, demolition, removal, replacement, renovation, reconstruction, or relocation of a building or **structure**.

DIVISION TWO – DEFINITIONS (continued)

- 2.10 **“Farm Building”** means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural produce or feeds. Not included are buildings that would be classed as other than **low human occupancy** including farm retail centres, horticultural and livestock produce, auction barns and show areas where bleachers or other public facilities are provided. Farm work centres where the number of workers frequently exceeds the limit for **low human occupancy** will also be in this category. It is possible to have areas of both high and **low human occupancy** in the same building provided that the structural safety and fire separation requirements for high human occupancy are met in the part thus designated.
- #4085 2.11 **“Health And Safety Aspects of the Work”** means design and **construction** regulated by Part 3, Part 4, Part 5, Part 6, Part 7, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, 9.35, 9.36, 9.37 of Division “B” of the **Building Code**.
- 2.12 **“Hoarding”** means a covered way as described in the **Building Code** or any other similar protective device.
- 2.13 **“Low-Human Occupancy”** (as applied to farm buildings) means an occupancy having an occupant load of not more than one person per 40 m² (430 ft²) of floor area during normal use.
- 2.14 **“Monitor”** means the method by which a **Building Official** reviews the process of field reviews as conducted by registered professionals pursuant to the **Building Code** and this bylaw. The **Building Official's monitoring** function is satisfied by the **Building Official's** receipt of the applicable letters of assurance submitted by the registered professionals and as referred to in the **Building Code**. Although a **Building Official** may review registered professionals' field inspection reports to ascertain field review frequency, or visit a **site** from time-to-time to verify that registered professional field reviews are taking place, the **Building Official** is under no duty to do so. **Monitoring** does not include assessment of conformity with the **Building Code**, this bylaw or another enactments or the approval of any aspect of **construction**.
- 2.15 **“Owner”** means any **person**, firm or company controlling the property under consideration.
- 2.16 **“Permit”** means a **permit** required or issued pursuant to this bylaw.
- 2.17 **“Person”** means, in addition to its ordinary meaning, a partnership, association, company, society and body corporate.
- 2.18 **“Retaining Wall”** means a **structure** constructed for the purpose of retaining, stabilizing or supporting an earthen bank as a result of differences in lot grades.
- 2.19 **“Site”** means a lot or lots upon which work regulated under this bylaw is undertaken or intended to be undertaken and includes the **construction** thereon.

DIVISION TWO – DEFINITIONS (continued)

- 2.20 **“Standard Building”** means a building of three storeys or less in building height, having a building area not exceeding 600 m² (6458 ft²) and used for major occupancies classified as:
- 2.20.1 residential occupancies;
 - 2.20.2 business and personal services occupancies;
 - 2.20.3 mercantile occupancies; or
 - 2.20.4 medium and low hazard industrial occupancies.
- 2.21 **“Structure”** means a **construction** or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping and fences, as well as **retaining walls** less than 1.2 m (4 ft) in height. In the case of a series of walls, if any of the walls extend above a line commencing 1.2 m (4 ft) above grade at the base of the lowest wall and projected at an angle of one linear unit vertically to 1.5 units horizontally, then the walls are considered as being one **retaining wall** greater than 1.2 m (4 ft) in height.
- 2.22 **“Value of Building Construction”** means the completed building value of all **construction** or work related to the building including finishes, roofing, electrical, plumbing, heating, air-conditioning, fire extinguishing systems, elevators and any other building service equipment and materials.

DIVISION THREE – PROHIBITIONS

- 3.1 No **person** shall, unless exempted by this bylaw or any enactment:
- 3.1.1 commence or continue any **construction**, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or **structure** unless a **Building Official** has issued a valid and subsisting **permit** for the work;
 - 3.1.2 commence or continue any **construction**, connection, installation, alteration or repair of plumbing, sewers, drains or tanks unless a **Building Official** has issued a valid and subsisting **permit** for the work;
 - 3.1.3 move or cause any building to be moved in the **City** without first obtaining a **permit** for the work on the **site** to which the building is to be moved;
 - 3.1.4 unless authorized in writing by a **Building Official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, **permit** or certificate posted upon or affixed to any building, **structure** or **site** pursuant to this bylaw;
 - 3.1.5 perform any **construction** that is substantially at variance with the reviewed design or plans and specifications for the building, **structure** or other **construction** for which a **permit** has been issued, unless that variance has been **accepted** by a **Building Official**;
 - 3.1.6 occupy or use any building or **structure**;
 - 3.1.6.1 unless a valid and subsisting occupancy certificate has been issued by a **Building Official** for the building or **structure**; or
 - 3.1.6.2 contrary to the terms of any **permit** issued or any notice given by a **Building Official**.
 - 3.1.7 knowingly or recklessly submit false or misleading information to a **Building Official** in relation to any **permit** application or **construction** undertaken pursuant to this bylaw; or
 - 3.1.8 interfere with or obstruct the entry of a **Building Official** or other authorized official of the **City** on property in the administration of this bylaw.
- 3.2 No **person** having authority for **construction** on a **site** shall cause, allow, or maintain any unsafe condition.

DIVISION FOUR - AUTHORITY OF **BUILDING OFFICIAL**

4.1 The **Building Official**:

- 4.1.1 may administer this bylaw;
- 4.1.2 may enter any land, building, **structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this or any other **City** bylaw are being observed;
- 4.1.3 may keep records of **permit** applications, **permits**, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw;
- 4.1.4 may establish whether the **construction** of a building or **structure** for which a **permit** is sought or issued under this bylaw substantially conforms to the requirements of the **Building Code**;
- 4.1.5 shall carry proper credentials confirming his/her status as a **Building Official**; and
- 4.1.6 where any residence is occupied, shall, except in emergency situations, obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry.

4.2 The **Building Official** may order:

- 4.2.1 a **person** who contravenes this bylaw to conform with the bylaw in a specified time period;
- 4.2.2 the removal of any unauthorized encroachment on public property;
- 4.2.3 the removal of any building or part thereof constructed in contravention of this bylaw;
- 4.2.4 the termination of any occupancy, in contravention of this bylaw; and
- 4.2.5 the termination of any occupancy if in the opinion of the **Building Official**:
 - 4.2.5.1 an unsafe condition exists because of **construction** undertaken or not completed; or
 - 4.2.5.2 a building is unsafe to human life or to property from any cause whatever or in imminent danger of so becoming.

4.3 The **Building Official** may, before issuing an occupancy certificate, require the **owner** to provide a professional engineer's or other appropriate certification, at the expense of the **owner**, where in the opinion of the **Building Official** such evidence is necessary to determine that the requirements of this bylaw and other applicable enactments respecting safety have been substantially complied with.

DIVISION FOUR - AUTHORITY OF **BUILDING OFFICIAL** (continued)

- 4.4 The **Building Official** may direct the immediate cessation or correction of all or any portion of the **construction** on any **site**, by attaching an order to that effect on such premises, when, in his/her opinion such work is not being performed substantially in accordance with the provisions of the **Building Code** or any relevant bylaws of the **City**. Such order shall remain posted on the premises until all work that is not being performed in accordance with the **Building Code** or this or any other relevant bylaw has been remedied to the satisfaction of the **Building Official**. No work, other than the required remedial measures, shall be carried out on the portion of the work affected by the order until such order has been removed, and shall only be removed by the **Building Official** in writing.
- 4.5 Except for buildings referred to in Divisions 10 and 12, the **Building Official** may upon expiration of a building **permit**, grant a renewal **permit** for a period of two (2) years if;
- 4.5.1 a site review is conducted to ascertain the status of the project; and
- 4.5.2 the **Building Official** is satisfied that the **construction** is progressing at a reasonable rate.
- 4.6 The **Building Official** may refuse to issue a **permit**.
- 4.6.1 if the information submitted is inadequate to determine substantial conformance with, or is contrary to the provisions of this bylaw or any other applicable enactment;
- 4.6.2 if the information submitted is incorrect;
- 4.6.3 if issuance is prohibited by or is contrary to a provision of this bylaw or any other enactment;
- 4.6.4 for the connection of a solid fuel burning appliance to an existing chimney if the existing chimney has not been previously inspected and **accepted**.

DIVISION FIVE - DUTIES AND RESPONSIBILITIES OF THE OWNER

5.1 It is the **owner's** responsibility, prior to commencing **construction** to:

- 5.1.1 investigate the status of the **construction site** and ensure that any concerns relating to flooding, drainage, soil stability or other potential hazards are addressed;
- 5.1.2 obtain a current Title Search Print from the Land Title Office to determine whether there are encumbrances which may affect the proposed **construction**; and
- 5.1.3 investigate the availability, location and capacity of utility services to determine whether the proposed **construction** can be accommodated and arrange the plumbing to suit the location of the connections provided for the lot in a manner satisfactory to the **Building Official**.

5.2 The **owner** shall, during **construction** or as required by the **Building Official**:

- 5.2.1 ensure that all **construction** complies with the **Building Code**, this bylaw and other applicable enactments respecting safety;
- 5.2.2 allow the **Building Official** to enter the building or premises at any reasonable time for the purpose of administering and enforcing this or any other relevant **City** bylaw;
- 5.2.3 post and maintain the **permit** placard, supplied by the **City** in the form established and prescribed by the **City**, in a conspicuous place on the property in respect of which the **permit** was issued;
- 5.2.4 ensure that the reviewed plans and specifications on which the **permit** is based are continuously available at the **site** during working hours;
- 5.2.5 post the civic address on the property in a location visible from any adjoining streets;

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5.2.6 provide a current BC Land Surveyor's Building Location Certificate prior to commencing works above grade to certify that the building or **structure** under **construction** is set back from the property boundaries in conformance with **City** regulations. The **building official** may waive the requirement for a building location certificate when the property boundaries have been identified to the satisfaction of the **building official** and the building or **structure** is:

- 5.2.6.1 located not less than 2 m (6.67 ft) from the required setback line; or
- 5.2.6.2 portable and not greater than 55 m² (592 ft²); or
- 5.2.6.3 less than 25 m² (269 ft²) in building area.

DIVISION FIVE - DUTIES AND RESPONSIBILITIES OF THE OWNER (continued)

- 5.2.7 uncover and replace at his/her own expense any work that has been covered contrary to an order issued by the **Building Official**;
 - 5.2.8 provide at his/her expense, tests or inspections necessary to establish substantial conformance with this bylaw in a form satisfactory to the **Building Official**;
 - 5.2.9 provide in a form satisfactory to the **Building Official**, evidence to certify substantial conformance with the requirements of this bylaw, other applicable enactments respecting health and safety and any **permits** issued;
 - 5.2.10 ensure that all work is confined within the boundaries of the property and does not adversely affect adjacent properties for which the **permit** has been issued;
 - 5.2.11 assume responsibility for the cost to repair any damage to **City** property that may occur as a result of undertaking work for which a **permit** was required under this bylaw;
 - 5.2.12 promptly take all action necessary to put the **site** in a safe condition when an unsafe condition becomes apparent; and
 - 5.2.13 prior to the occupancy or use of any building or **structure** or part thereof, after completion of **construction** of the building, or part thereof, including work required in connection with any change in classification of occupancy of any building, or part thereof, obtain from the **Building Official** an occupancy certificate.
- 5.3 Neither the issuance of a **permit** under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the **City** shall in any way relieve the **owner** and his/her **agent** from full and complete responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and other applicable enactments respecting safety.
- 5.4 Where, at the time of application for a building **permit**, works and services, as defined in the **City** Subdivision and Servicing Bylaw, exist on the land to be developed or within that portion of a highway immediately adjacent to the land, and if such works and services do not meet the minimum standards established by the **City** Subdivision and Development Servicing Bylaw, as amended from time to time, then as a condition of issuing a building **permit**, the **owner** may be required to improve the substandard works and services to at least the minimum standards as required by the **City** Subdivision and Development Servicing Bylaw.
- 5.5 Where work is being done subject to a **permit** under the provisions of this bylaw, the **owner** and his/her **agent** shall be completely responsible for any damage or cost to adjacent property arising out of or incidental to the work and shall save the **City** harmless in this regard.

DIVISION SIX - GENERAL **PERMIT** REGULATIONS

- 6.1 A **permit** is required whenever work regulated by this bylaw is to be undertaken.
- 6.2 No **person** shall rely upon any **permit** as establishing conformance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The **person** to whom the building **permit** is issued and his/her **agents** are responsible for making such determination.
- 6.3 No **permit** shall be issued for the **construction** of an accessory building or **structure** on any **site**, unless the principal building to which the accessory building or **structure** is accessory to has been constructed, or will be constructed in conjunction with said accessory building or **structure**.
- 6.4 Each building or **structure** to be constructed on a **site** requires a separate building **permit** and shall be assessed a separate building **permit** fee as determined in accordance with the current **City** Fee for Service Bylaw.
- 6.5 To obtain a **permit**, the **owner** or his/her **agent** shall apply in writing on the form available from the **City** Development Services Department.
- 6.6 All applications, **permits**, plans, records or documents submitted to or kept by the **Building Official** are the property of the **City**.
- 6.7 All plans submitted with **permit** applications shall bear the name and address of the designer of the building, **structure** or plumbing.
- 6.8 Sufficient information shall be filed with each application to clearly identify the property to be developed and to establish that the proposed work will substantially conform to this bylaw and other applicable enactments.
- 6.9 The **Building Official** may require any **owner** to submit an up-to-date plan of survey by a registered British Columbia Land Surveyor which shall contain sufficient information regarding the **site** and the location of any building or **structure** to establish prior to **construction** that requirements of this bylaw and any other applicable enactments will be complied with.
- 6.10 The **Building Official** may require a registered professional to provide design and plan certification and field reviews supported by letters of assurance in the form of Schedules A, B, C-A and C-B as referred to in the **Building Code**, if in the opinion of the **Building Official**:
 - 6.10.1 the **site** conditions, soil types, contours or drainage require special foundation design; or
 - 6.10.2 the proposed building or **structure** or an element of **construction** is of a category requiring professional design.

DIVISION SIX - GENERAL **PERMIT** REGULATIONS (continued)

- 6.11 In instances where sanitary sewer is not available, no **permit** will be issued until the **Building Official** is provided with written verification that the proposed sewage disposal system is **accepted** by the Interior Health Authority or other authority charged with enforcement of prevailing sanitary regulations.
- 6.12 When the application is in respect of a building that includes, or will include, a residential occupancy:
- 6.12.1 the building **permit** must not be issued unless the **owner** provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act*, SBC 1998 Chapter 31, and amendments thereto, that;
- 6.12.1.1 the proposed building is covered by home warranty insurance; and
- 6.12.1.2 the constructor is a licensed residential builder.
- 6.12.2 section 6.12.1 of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*, SBC 1998 Chapter 31, and amendments thereto.
- 6.13 No **permit** shall be issued until off-site utilities to service the subject property are completed to the approval of the authority having jurisdiction or the utility providing service and all appropriate connection fees or other **construction** costs have been paid.
- 6.14 Applicants for a building **permit** shall, at the time of building **permit** issuance, pay to the **City** a security deposit in the amount established and prescribed in the current **City** Fee for Service Bylaw.
- 6.14.1 The security deposit sum may:
- 6.14.1.1 cover the cost borne by the **City** to maintain, restore or replace any public works or public lands which are destroyed or damaged in the carrying out of the work referred to in any building **permit** held by the applicant;
- 6.14.1.2 cover the cost borne by the **City** to make the site safe if the permit holder abandons or fails to complete the work as designated on the **permit**;
- 6.14.1.3 serve as the security deposit for a provisional certificate of occupancy when such a certificate makes provision for a security deposit; or
- 6.14.1.4 serve as a security deposit for the purpose of effecting compliance with any condition under which the **permit** was issued.

DIVISION SIX - GENERAL **PERMIT** REGULATIONS (continued)

- 6.14.2 The security deposit may be returned:
 - 6.14.2.1 when the **Building Official** is satisfied that no further damage to public works or public lands will occur; and
 - 6.14.2.2 when the inspections required by the bylaw are complete and acceptable to the **Building Official**.
 - 6.14.3 Any amount of the security deposit not used by the **City** for the purposes described in subsection 6.14.1 herein shall be returned to the payer of the security deposit.
 - 6.14.4 Any amount in excess of the security deposit required by the **City** to complete corrective work to public lands, public works or the **site** shall be recoverable from the **permit** applicant or the **owner** of the property in a manner deemed appropriate and legally available to the **City**.
 - 6.15 When a completed application in conformance with Division 7, 8, 9, 10, 11 or 12 of this bylaw, including all required supporting documentation has been submitted; and
 - 6.15.1 a review of the proposed work set out in the application has been undertaken in relation to the **Building Code**, this bylaw and all other applicable bylaws and statutes,
 - 6.15.2 all applicable fees set out in the current **City** Fee for Service Bylaw have been paid;
 - 6.15.3 the **owner** or his/her **agent** has paid all charges and met all requirements imposed by any other statute or bylaw;
 - 6.15.4 no enactment, covenant, agreement, or regulation of the **City** authorizes the **permit** to be withheld;
 - 6.15.5 the **owner** has retained a registered professional if required by the provisions of the **Building Code**, the *Engineers and Geoscientists Act*, or the *Architects Act*;
 - 6.15.6 the **owner** has made arrangements satisfactory to the **City** for the construction of crossings over sidewalks and curbs in accordance with the current **City** Subdivision and Development Servicing Bylaw; and
 - 6.15.7 the **owner** has provided copies of approvals required under any enactment relating to health and/or safety; then
- a **Building Official** shall issue the **permit** for which the application is made.

DIVISION SIX - GENERAL **PERMIT** REGULATIONS (continued)

- 6.16 A **Building Official** may issue, at the risk of the **owner**, a building **permit** for a portion of a building or **structure** before the design, plans and specifications for the entire building or **structure** have been **accepted**, provided sufficient information has been provided to the **City** to demonstrate to the **Building Official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the **permit** fee applicable to that portion of the building or **structure** has been paid. The issuance of the **permit** notwithstanding, the requirements of this bylaw 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.
- 6.17 Every **permit** is issued upon the condition that the **permit** shall expire and the rights of the **owner** under the **permit** shall terminate if:
- 6.17.1 the work authorized by the **permit** is not commenced within twelve (12) months from the date of issuance of the **permit**;
 - 6.17.2 work is discontinued for a period of twelve (12) months;
 - 6.17.3 a Sewage Disposal **Permit** required pursuant to this bylaw is revoked; or
 - 6.17.4 the title of the property for which the permit authorizes work to be done is transferred to a different **owner**.
- 6.18 The **Building Official** may extend the period of time set out under sections 6.17.1 and 6.17.2 of this bylaw where **construction** has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.
- 6.19 A building **permit** that is valid at the time of transfer may be transferred to the new **owner** when;
- 6.19.1 the **permit** holder requests such a transfer in writing to the **City**; and
 - 6.19.2 the transfer fee set out in the current **City** Fee for Service Bylaw has been paid.
- 6.20 Except for buildings referred to in Divisions 10 and 12, each building **permit** shall be valid for a period of two (2) years and the **Building Official** may upon expiration of the building **permit**, grant a renewal **permit** for an additional two (2) year period subject to the requirements of Section 4.5 of this bylaw. A **permit** renewal fee shall be paid in accordance with the current **City** Fee for Service Bylaw.
- 6.21 The **Building Official** may revoke a **permit** where:
- 6.21.1 the **permit** was issued in error;
 - 6.21.2 there is a contravention of any term or condition under which the **permit** was issued;

DIVISION SIX - GENERAL **PERMIT** REGULATIONS (continued)

- 6.21.3 there is a contravention of any provision of the **Building Code** or other applicable enactment; or
 - 6.21.4 the **permit** was issued on the basis of incorrect information supplied by or on behalf of the applicant; then
- the **permit** holder shall be notified of the revocation in writing.
- 6.22 The **Building Official** may forward a recommendation to the **City** Council to file a notice on the property title, pursuant to Section 57 of the Community Charter, when works remain incomplete at the expiration of a renewal **permit**.
 - 6.23 Notwithstanding the requirements of Section 58 of the Community Charter, where the **City** has caused a notice to be filed on the title of a property in accordance with Section 57 of the Community Charter, the notice may be removed provided:
 - 6.23.1 the owner has obtained a new **permit** for the correction of the **construction**;
 - 6.23.2 the deficient **construction** has been corrected and completed so that the conditions which gave rise to the filing of the notice have been rectified; and
 - 6.23.3 the **owner** has paid a title notice removal fee in accordance with the **City** Fee for Service Bylaw.
 - 6.24 A registered professional shall undertake the design and conduct field reviews for the **construction** of a **retaining wall** greater than 1.2 m (4 ft) in height. Sealed copies of the design and plan certification and field reviews shall be submitted to the **Building Official**.
 - 6.25 Where **hoarding** is required, and encroaches over **City** property;
 - 6.25.1 permission to install such **hoarding** shall be obtained from the Director of Engineering and Public Works or the **City** Engineer;
 - 6.25.2 a Highway Use **permit** shall be obtained and fee paid as prescribed in the current **City** Fee for Service Bylaw, and
 - 6.25.3 the applicant shall provide confirmation of a minimum liability coverage of two million dollars (\$2,000,000.00) as set out in the current **City** Traffic Bylaw.

DIVISION SEVEN – PLUMBING

- 7.1 Application for a **permit** shall:
- 7.1.1 be in the form established and prescribed by the **City** and include the fees established in the current **City** Fee for Service Bylaw. Requirements for issuance may require a valid BC Tradesman's Qualification Certification;
 - 7.1.2 state the number of fixtures to be installed in the building;
 - 7.1.3 in the case of commercial, industrial, institutional buildings or residential buildings containing three or more dwelling units, or where otherwise required by a **Building Official**, be accompanied by a plan drawn to scale that shows to the satisfaction of a **Building Official**:
 - 7.1.3.1 **site** services including size, slope and location of pipes;
 - 7.1.3.2 **site** drainage including size, slope and location of pipes, catch basins and dry wells;
 - 7.1.3.3 the proposed works and the location, size and slope of every building drain and every trap or clean out on a building drain, trap and vent pipe;
 - 7.1.3.4 a schematic drawing showing water distribution system layout and sizing; and
 - 7.1.3.5 rainwater leaders, size and slope of pipe and area of roof drained.
 - 7.1.4 include drawings designed by a registered professional, for **complex buildings**, and buildings with complex plumbing systems as determined by the **Building Official**; and
 - 7.1.5 contain any and all other information necessary to establish substantial conformance with this bylaw.
- 7.2 Except where specifically required by the **City** and where a legal right-of-way has been obtained and such plans are **accepted** by the **City** Engineer, no plumbing system, drainage system, building sewer, private sewage disposal system or parts thereof, shall be located in any lot other than the property which is the **site** of the building, **structure**, or premises serviced by such facilities.

DIVISION EIGHT – COMPLEX BUILDINGS

- 8.1 An application for a building **permit** with respect to a **complex building** shall:
- 8.1.1 be made in the form established and prescribed by the **City**, signed by the **owner**, or a signing officer if the **owner** is a corporation and include the fees established in the current **City** Fee for Service Bylaw;
 - 8.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Schedule "1" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a company;
 - 8.1.3 include a copy of a title search made within thirty (30) days of the date of the application;
 - 8.1.4 include an accurate **site** plan prepared by a British Columbia Land Surveyor, registered professional or as otherwise approved by a **Building Official** showing:
 - 8.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 8.1.4.2 the legal description and civic address of the parcel;
 - 8.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 8.1.4.4 the location and dimensions of all existing and proposed buildings or **structures** on the parcel;
 - 8.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse or any other environmentally sensitive area where the **City's** land use regulations establish siting requirements related to flooding or environmental protection;
 - 8.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the **site** and the geodetic elevation of the underside of the floor system of a building or **structure** where the **City's** land use regulations establish siting requirements related to minimum floor elevation;
 - 8.1.4.7 the location, dimension and gradient of parking and driveway access, boulevard, trees, overhead or underground wire, street lights and pole locations; however
 - 8.1.4.8 the **Building Official** may waive the requirements for a **site** plan, in whole or in part, where the **permit** is sought for the repair or alteration of an existing building or **structure**.

DIVISION EIGHT – COMPLEX BUILDINGS (continued)

- 8.1.5 include a **Building Code** analysis and building plans drawn to suitable scale showing sufficient information to determine substantial conformance with this bylaw including but not limited to:
 - 8.1.5.1 foundation plans;
 - 8.1.5.2 floor plans showing the dimensions and uses of all areas;
 - 8.1.5.3 the dimensions and height of crawl and roof spaces;
 - 8.1.5.4 the location, size and swing of doors;
 - 8.1.5.5 the location, size and opening of windows;
 - 8.1.5.6 floor, wall, ceiling and roof finishes;
 - 8.1.5.7 components of fire protection including:
 - 8.1.5.7.1 firewalls;
 - 8.1.5.7.2 degree of fire separation of storeys, corridors, shafts and rooms; and
 - 8.1.5.7.3 fire detection, suppression and alarm system;
 - 8.1.5.8 plumbing fixtures;
 - 8.1.5.9 structural, mechanical, and electrical elements;
 - 8.1.5.10 stair, handrail and guard dimensions;
 - 8.1.5.11 a cross section, through the building or **structure** illustrating foundations, drainage, ceiling heights and **construction** systems;
 - 8.1.5.12 elevations of all sides of the building or **structure** showing finishes, roof slopes, windows, doors, original and finished grade adjacent to the building and the neighboring property; and
 - 8.1.5.13 cross-sectional details drawn at sufficient locations to illustrate that the building or **structure** substantially conforms to the **Building Code**.
- 8.1.6 include copies of approvals required under any enactment relating to health and/or safety, including, without limitation, sewage disposal **permits**, highway access **permits** and Ministry of Health approval;

DIVISION EIGHT – COMPLEX BUILDINGS (continued)

- 8.1.7 include a letter of assurance in the form of Schedule A as referred to in the ***Building Code***, signed by the ***owner***, or a signing officer of the ***owner*** if the ***owner*** is a company, and the Coordinating Registered Professional;
 - 8.1.8 include letters of assurance in the form of Schedule B as referred to in the ***Building Code***;
 - 8.1.9 include one (1) copy of specifications and two (2) sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in section 8.1.5 of this bylaw; and
 - 8.1.10 include any other information required by the ***Building Official*** or the ***Building Code*** to establish substantial conformance with this bylaw, the ***Building Code*** and other applicable enactments relating to the building or ***structure***.
- 8.2 In addition to the requirements of section 8.1.4, the following may be required by a ***Building Official*** to be submitted with a building ***permit*** application for the ***construction*** of a ***complex building*** where in the opinion of the ***Building Official*** the complexity of the proposed building or ***structure*** or siting circumstances warrant:
- 8.2.1 ***site*** servicing drawings, including sufficient detail of off-site services to indicate locations and elevations at the property line, prepared and sealed by a registered professional, in accordance with the current ***City*** Subdivision and Development Servicing Bylaw;
 - 8.2.2 a section through the ***site*** showing grades, buildings, ***structures***, parking areas and driveways; and
 - 8.2.3 any other information required by the ***Building Official*** or the ***Building Code*** to establish substantial conformance with this bylaw, the ***Building Code*** and other bylaws and applicable enactments relating to the building or ***structure***.
- 8.3 A ***Building Official*** may accept plans with less detail for an application to undertake minor repairs or alterations to ***complex buildings***.

DIVISION NINE - STANDARD BUILDINGS

- 9.1 An application for a building **permit** with respect to a **standard building** shall:
- 9.1.1 be made in the form established and prescribed by the **City**, signed by the **owner**, or a signing officer if the **owner** is a corporation and include the fees established in the current **City** Fee for Service Bylaw;
 - 9.1.2 be accompanied by the **owners** acknowledgment of responsibility and undertakings made in the form attached as Schedule “1” to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a company;
 - 9.1.3 include a copy of a title search made within thirty (30) days of the date of the application;
 - 9.1.4 include an accurate, scaled **site** plan prepared by a British Columbia Land Surveyor, registered professional or as otherwise approved by a **Building Official** showing:
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.4.2 the legal description and civic address of the parcel;
 - 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 9.1.4.4 the location and dimensions of all existing and proposed buildings or **structures** on the parcel;
 - 9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse or any other environmentally sensitive area where the **City’s** land use regulations establish siting requirements related to flooding or environmental protection;
 - 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or **structure** where the **City’s** land use regulations establish siting requirements related to minimum floor elevation;
 - 9.1.4.7 the location and dimension of all existing and proposed sewage disposal systems and wells;
 - 9.1.4.8 the location, dimension and gradient of parking and driveways from the road access point; however
 - 9.1.4.9 the **Building Official** may waive the requirements for a **site** plan, in whole or in part, where the **permit** is sought for the repair or alteration of an existing building or **structure**.

DIVISION NINE - STANDARD BUILDINGS (continued)

- 9.1.5 include building plans drawn to suitable scale showing sufficient information to determine substantial conformance with this bylaw including but not limited to:
 - 9.1.5.1 foundation plans;
 - 9.1.5.2 floor plans showing the dimensions and uses of all areas;
 - 9.1.5.3 the dimensions and height of crawl and roof spaces;
 - 9.1.5.4 the location, size and swing of doors;
 - 9.1.5.5 the location, size and opening of windows;
 - 9.1.5.6 floor, wall, ceiling and roof finishes;
 - 9.1.5.7 components of fire protection including:
 - 9.1.5.7.1 firewalls;
 - 9.1.5.7.2 degree of fire separation of storeys, corridors, shafts and rooms; and
 - 9.1.5.7.3 fire detection, suppression and alarm system;
 - 9.1.5.8 plumbing fixtures;
 - 9.1.5.9 structural, mechanical and electrical elements;
 - 9.1.5.10 stair, handrail and guard dimensions;
 - 9.1.5.11 a cross section, through the building or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - 9.1.5.12 elevations of all sides of the building or **structure** showing finishes, roof slopes, windows, doors, and original and finished grade adjacent to the building and the neighboring property; and
 - 9.1.5.13 cross-sectional details drawn at sufficient locations to illustrate that the building or **structure** substantially conforms to the **Building Code**.
- 9.1.6 include copies of approvals required under any enactment relating to health and/or safety, including, without limitation, sewage disposal **permits**, highway access **permits**, Ministry of Health approval and proof of potable water in accordance with the current **City** Subdivision and Development Servicing Bylaw;
- 9.1.7 include two (2) sets of drawings at a suitable scale including the information set out in sections 9.1.5 of this bylaw; and

DIVISION NINE – STANDARD BUILDINGS (continued)

- 9.1.8 include any other information required by the **Building Official** or the **Building Code** to establish substantial conformance with this bylaw, the **Building Code**, and any other bylaw or enactments relating to the building or **structure**.

- 9.2 In addition to the requirements of section 9.1.4 and 9.1.5, the following may be required by a **Building Official** to be submitted with a building **permit** application for the **construction** of a **standard building** where the project involves two or more buildings, which in the aggregate total more than 1000 m² (10,764 ft²), or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or **structure** or siting circumstances warrant:
 - 9.2.1 **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 current **City** Subdivision and Development Servicing Bylaw;
 - 9.2.2 a section through the **site** showing grades, buildings, **structures**, parking areas and driveways;
 - 9.2.3 a roof plan and roof height calculations;
 - 9.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional; and
 - 9.2.5 any other information required by the **Building Official** or the **Building Code** to establish substantial conformance with this bylaw, the **Building Code**, and other bylaws and any other bylaw or enactments relating to the building or **structure**.

- 9.3 A **Building Official** may accept plans with less detail for an application to undertake minor repairs or alterations to **standard buildings**.

DIVISION TEN - RELOCATION OF A BUILDING OR STRUCTURE

- 10.1 An application for a **permit** with respect to the relocation of a building shall:
- 10.1.1 be made in the form established and prescribed by the **City** and include the fees established in the current **City** Fee for Service Bylaw;
 - 10.1.2 be accompanied by security in a form acceptable to the **Building Official**, and in an amount equal to the estimated cost of completing the building or **structure** in its new location. The amount so estimated shall be acceptable to the **Building Official**, but in no case shall the security be less than the amount prescribed in the current **City** Fee for Service Bylaw.
 - 10.1.3 designate:
 - 10.1.3.1 the existing **site** of the building to be moved; and
 - 10.1.3.2 the name and street address of the **owner** of the lot to which the building is to be moved and the name and address of the **owner** of the building.
 - 10.1.4 be accompanied by the owner's acknowledgment of responsibility and undertakings made in the form attached as Schedule "1" to this bylaw, signed by the **owner(s)**, or a signing officer if the **owner** is a company;
 - 10.1.5 include a copy of a title search made within thirty (30) days of the date of the application;
 - 10.1.6 include an accurate, scaled **site** plan prepared by a British Columbia Land Surveyor, registered professional or as otherwise approved by a **Building Official** showing:
 - 10.1.6.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 10.1.6.2 the legal description and civic address of the parcel;
 - 10.1.6.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 10.1.6.4 the location and dimensions of all existing and proposed buildings or **structures** on the parcel;
 - 10.1.6.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse or any other environmentally sensitive area where the **City's** land use regulations establish siting requirements related to flooding or environmental protection;

DIVISION TEN - RELOCATION OF A BUILDING OR **STRUCTURE** (continued)

- 10.1.6.6 the existing and finished ground levels to an established datum at or adjacent to the **site** and the geodetic elevation of the underside of the floor system of a building or **structure** where the **City's** land use regulations establish siting requirements related to minimum floor elevation;
 - 10.1.6.7 the location and dimension of all existing and proposed sewage disposal systems and wells; and
 - 10.1.6.8 the location, dimension and gradient of parking and driveway access.
- 10.2 The applicant shall provide confirmation of a minimum liability coverage of two million dollars (\$2,000,000.00) as set out in the current **City** Traffic Bylaw.
- 10.3 No **permit** to move a building shall be issued by a **Building Official** until the time and route of the move have been approved by the R.C.M.P., the Fire Chief and the Director of Engineering and Public Works.
- 10.4 No **person** shall relocate a building until a pre-move inspection has been completed by a **Building Official** to review the condition of the building in relation to structural stability, life safety, fire safety and health requirements pursuant to the **Building Code**, except a **Building Official** may waive the inspection for a manufactured or mobile home less than five (5) years of age.
- 10.5 No building shall be moved into the **City**, or from one property in the **City** to another or from one location to another location on the same piece of land or real property, unless such building in its intended location shall comply with the provisions of the relevant bylaws of the **City**.
- 10.6 No building that is to be used as a dwelling may be moved into the **City** except an unaltered factory built unit which has been certified by the Canadian Standards Association as conforming to CAN/CSA Z240 MH Series "Mobile Homes" or CSA Standard A277 "Procedure for Certification of Factory Built Houses.
- 10.7 No building shall be moved onto any lot within a registered plan of subdivision containing more than two (2) lots if no buildings exist on any of the lots within the said subdivision at the date of application to move the building.
- 10.8 A building situated within the **City** may be moved within the **City** provided:
- 10.8.1 the building meets or exceeds the aesthetic and architectural standards of the majority of the existing buildings within 150 m (492 ft) of the lot to which it is proposed to move the building; or
 - 10.8.2 the **owner** submits plans showing the changes required in order to make the building conform to the aesthetic and architectural standards of the majority of the buildings situated on lots within 150 m (492 ft) of the lot to which it is proposed to move the building.

DIVISION TEN - RELOCATION OF A BUILDING OR **STRUCTURE** (continued)

- 10.9 The provisions of section 10.8 herein shall not apply to the moving of any buildings onto land which is zoned Agricultural pursuant to the provisions of the current **City** Zoning Bylaw in force and effect at the date of application to move the building.
- 10.10 Prior to obtaining an occupancy certificate the **owner** shall
- 10.10.1 ensure the **City** services are terminated to the satisfaction of the **City** Engineer and all utilities have been disconnected and/or sealed to the satisfaction of the appropriate utility authority; and
 - 10.10.2 provide a building location certificate prepared by a British Columbia Land Surveyor if required.
- 10.11 Should a building which has been relocated subject to the provisions of this Division not be completed within one (1) year from the date of issuance of the **permit**, the **Building Official** may send a written notice to the **owner** stating that the building does not conform with this bylaw or other enactment and direct the **owner** to remedy the nonconformance within thirty (30) days from the date of service of the notice. If the non-conformance is not remedied within the period of thirty (30) days, the **Building Official** may draw upon the security deposit and take whatever action is necessary to effect completion of the building and **site**.
- 10.12 Buildings relocated to outside the **City** boundaries will be regulated through Division Eleven of this bylaw except factory constructed units utilizing a Collectors Certificate for Transport Purposes Schedule "A".
- 10.13 Where an applicant has been refused a residential moving **permit** by a **Building Official**, the applicant may appeal the decision of the **Building Official** to **City** Council.

DIVISION ELEVEN – DEMOLITIONS

- 11.1 An application for a **permit** with respect to a demolition shall:
- 11.1.1 be made in the form established and prescribed by the **City** and include the fees established in the current **City** Fee for Service Bylaw;
 - 11.1.2 be accompanied by security in a form acceptable to the **Building Official**, in the amount established and prescribed in the current **City** Fee for Service Bylaw;
 - 11.1.3 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Schedule “1” to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a company;
 - 11.1.4 include a copy of a title search made within thirty (30) days of the date of the application;
 - 11.1.5 include a **site** profile document made in the form provided in the *Waste Management Act*; and
 - 11.1.6 include a **site** plan identifying the building or buildings to be demolished or as otherwise approved by the **Building Official**.
- 11.2 The **owner** shall ensure the **City** services are terminated to the satisfaction of the City Engineer and all utilities have been disconnected and/or sealed to the satisfaction of the appropriate utility authority.
- 11.3 The **owner** shall ensure the **site** of the demolition is left in a safe and neat condition, free from debris or dust and compatible with neighbouring properties.

DIVISION TWELVE - TEMPORARY BUILDINGS

- 12.1 An application for a **permit** with respect to a temporary building or **structure** shall:
- 12.1.1 be made in the form established and prescribed by the **City**, signed by the **owner**, or a signing officer if the **owner** is a corporation and include the fees established in the current **City** Fee for Service Bylaw;
 - 12.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Schedule "1" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a company;
 - 12.1.3 include a copy of a title search made within thirty (30) days of the date of the application;
 - 12.1.4 include an accurate, scaled **site** plan prepared by a British Columbia Land Surveyor, registered professional or as otherwise approved by a **Building Official** showing:
 - 12.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 12.1.4.2 the legal description and civic address of the parcel;
 - 12.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 12.1.4.4 the location and dimensions of all existing and proposed buildings or **structures** on the parcel;
 - 12.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse or any other environmentally sensitive area where the **City's** land use regulations establish siting requirements related to flooding or environmental protection;
 - 12.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the **site** and the geodetic elevation of the underside of the floor system of a building or **structure** where the **City's** land use regulations establish siting requirements related to minimum floor elevation;
 - 12.1.4.7 the location and dimension of all existing and proposed sewage disposal systems and wells; and
 - 12.1.4.8 the location, dimension and gradient of parking and driveway access.
 - 12.1.5 include **construction** drawings indicating compliance to:
 - 12.1.5.1 climatic loading data;
 - 12.1.5.2 **building code** or registered professionals design of supports;

DIVISION TWELVE - TEMPORARY BUILDINGS (continued)

- 12.1.5.3 **building code** for fire safety and means of egress; or
- 12.1.5.4 any other requirement deemed necessary by the **Building Official**.
- 12.1.6 include security in a form and amount in accordance with the current **City** Zoning Bylaw, to guarantee that the building or **structure** will be removed from the **site** within the time limit indicated.
- 12.2 Temporary buildings shall conform to the requirements of this bylaw and the current **City** Zoning Bylaw as amended from time to time.

DIVISION THIRTEEN - PROFESSIONAL DESIGN AND FIELD REVIEW

- 13.1 When a **Building Official** considers that the **site** conditions, size or complexity of a development or an aspect of a development warrant, he/she may require a registered professional to provide design and plan certification and in the case of a **complex building**, field review supported by letters of assurance in the form of Schedules B and C-B referred to in the **Building Code**.
- 13.2 When a **Building Official** considers that the design of a component or combination of components of a project is beyond the scope of Part 9 of the **Building Code**, the **Building Official** may require a registered professional to review the design components. The **Building Official** may require the submission of letters of assurance in the form of Schedules B and C-B referred to in the **Building Code**.
- 13.3 When a **Building Official** considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, he/she may request the **owner** of the land to provide a report certified by a professional engineer with geotechnical experience, that the land may be used safely for the use intended.
- 13.3.1 Where the professional engineer determines that the land may not be used safely for the use intended, the **Building Official** shall refuse to issue a building **permit**.
- 13.3.2 Notwithstanding 13.3.1 above, where a professional engineer determines and certifies that land may be used safely for the use intended subject to conditions contained in his report with respect to the siting and structural design of buildings, **structures** or works, the maintenance or planting of vegetation, or the placement of landfill, a **Building Official** may issue a building **permit** on the condition that:
- 13.3.2.1 the **owner** of the land covenants with the **City** to use the land only in the manner determined and certified by a professional engineer as enabling the safe use of the land for the use intended; and
- 13.3.2.2 the covenant is registered under section 219 of the *Land Title Act*.
- 13.4 Prior to the issuance of a Final Occupancy Approval for a **complex building** or a **standard building** in circumstances where letters of assurance have been required by the **Building Code** and in accordance with sections 6.10, 8.1.7, 8.1.8, 13.1 or 13.2 of this bylaw, the **owner** shall provide the **City** with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in the **Building Code**.

DIVISION FOURTEEN - PROFESSIONAL PLAN CERTIFICATION

- 14.1 The letters of assurance in the form of Schedule B referred to in the **Building Code** and provided pursuant to sections 6.10, 8.1.7, 8.1.8, 13.1 and 13.2 of this bylaw are relied upon by the **City** and its **Building Officials** as certification that the design and plans to which the letters of assurance relate substantially conform to the **Building Code** and other applicable enactments relating to health and safety.
- 14.2 A building **permit** issued pursuant to the requirements of this bylaw shall include a notice to the **owner** that the building **permit** is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building **permit** conform with the **Building Code** and other applicable enactments relating to safety.
- 14.3 When a building **permit** is issued for a **complex building** in accordance with section 14.1 of this bylaw the permit fee shall be reduced by 5% of the fees payable pursuant to the current **City** Fee for Service Bylaw, up to a maximum reduction of Five Hundred Dollars (\$500.00).
- 14.4 When a building **permit** is issued for a **standard building** in accordance with section 14.1 of this bylaw the permit fee shall be reduced by 1% of the fees payable pursuant to the current **City** Fee for Service Bylaw, up to a maximum reduction of One Hundred Dollars (\$100.00).

DIVISION FIFTEEN – INSPECTIONS

- 15.1 When a registered professional provides letters of assurance in accordance with sections 6.10, 8.1.7, 8.1.8, 13.1, 13.2 or 13.4 of this bylaw, the **City** will rely solely on the letters of assurance submitted pursuant to section 13.4 of this bylaw as certification that the **construction** substantially conforms to the design, plans and specifications and that the **construction**, substantially complies with the **Building Code**, this bylaw and other applicable enactments.
- 15.2 Notwithstanding section 15.1 of this bylaw, 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.
- 15.3 A **Building Official** may attend periodically at the **site** of the **construction** of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with those portions of the **Building Code**, this bylaw and any other applicable enactment concerning safety.
- 15.4 The **owner**, or his/her **agent**, shall give a minimum of one working day's notice to the **City** of the following aspects of the work and, in the case of a **Standard Building**, shall obtain an inspection and receive a **Building Officials** acceptance of the following aspects of the work prior to concealing it:
- 15.4.1 any work that has been ordered inspected by the **Building Official** during **construction**; and
- #4085 15.4.2 while not limiting the generality of the forgoing, at the following stages of **construction**:
- 15.4.2.1 the footing and foundation forms, before concrete is placed;
- 15.4.2.2 installation of perimeter drainage pipe and drain rock, prior to backfilling;
- 15.4.2.3 installation of a building drain, sanitary or storm sewer and any part of the plumbing system prior to backfilling or covering;
- 15.4.2.4 installation of subfloor depressurization system and rough in for soil gas control;
- 15.4.2.5 when framing and sheathing of the building are complete, but before any insulation, drywall or other interior or exterior finish is applied which would conceal such work;
- 15.4.2.6 during the **construction** of any masonry fireplace, when cantilevered hearth forms are in place but prior to placing concrete; at the smoke chamber stage; for a freestanding masonry chimney, at the thimble stage and before any factory-built or site constructed fireplace or chimney is enclosed by combustible material;

DIVISION FIFTEEN – INSPECTIONS (continued)

- 15.4.2.7 when insulation, vapour barriers and air barriers are complete but prior to placement of any finish thereon; and
 - 15.4.2.8 when the building or **structure** is substantially complete and ready for occupancy.
- 15.5 For greater clarity, in the case of **Complex Buildings**, the requirement under 15.4 to notify the **City** of the listed stages of **construction** does not oblige the **City** to attend the **site** for inspections, **monitoring** or any other purpose.

DIVISION SIXTEEN - OCCUPANCY CERTIFICATE

- 16.1 No **person** shall occupy or use a building or **structure** or occupy part of a building or **structure** until an occupancy certificate has been issued in the form established and prescribed by the **City**.
- 16.2 A Final Occupancy Certificate shall not be issued unless:
- 16.2.1 all letters of assurance have been submitted when required in accordance with sections 6.10 and 13.4 of this bylaw;
 - 16.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 15.4 of this bylaw have been inspected and **accepted**;
 - 16.2.3 the exterior cladding has been substantially completed,
 - 16.2.4 a British Columbia Land Surveyor's Building Location Certificate has been submitted, if required;
 - 16.2.5 the street address has been posted and is visible from the street; and
 - 16.2.6 an "Authorization to Operate" certificate has been submitted to the **Building Official** for an on-site sewerage disposal system pursuant to Section 9 of the Sewerage System Regulations.
- 16.3 A **Building Official** may issue an occupancy approval for part of a building or **structure** when that part of the building or **structure** is self-contained, provided with essential services and meets health and safety requirements set out in section 16.2 of this bylaw, and in the case of a **Complex Building**, has been **accepted** for occupancy by the registered professional.

DIVISION SEVENTEEN - FEES AND CHARGES

- 17.1 Each application shall list the estimated **value of building construction**.
- 17.2 The appropriate plan-processing fee as set out in the current **City** Fee for Service Bylaw shall accompany an application made for a building **permit** to this bylaw, and the following conditions will apply:
- 17.2.1 the plan-processing fee is non-refundable and shall be credited against the building **permit** fee when the **permit** is issued;
- #4085 17.2.2 an application shall be cancelled and the **permit** application fee forfeited if the building **permit** has not been issued within one (1) year of the application date;
- 17.2.3 when an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 17.3 The **owner** may obtain a refund of the **permit** fees set out in the current **City** Fee for Service Bylaw, as amended, when a **permit** is surrendered provided:
- 17.3.1 the refund shall not include the plan-processing fee paid pursuant to section 17.2 of this bylaw and as outlined in the current **City** Fee for Service Bylaw, as amended; and
- 17.3.2 **construction** has not begun nor have any inspections been made.
- 17.4 Security deposits shall not be refunded when a **permit** is surrendered until the **site** has been left in a safe condition.
- 17.5 Where, due to non-conformance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in the current **City** Fee for Service Bylaw shall be paid prior to additional inspections being performed.
- 17.6 Where a required permit inspection is requested to be done after the hours during which **City** offices are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in the current **City** Fee for Service Bylaw, as amended. The **Building Official** shall determine what sufficient notice of the request is.

DIVISION EIGHTEEN - DISCLAIMER OF WARRANTY OR REPRESENTATION

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

DIVISION NINETEEN - PENALTIES AND ENFORCEMENT

- 19.1 Every **person** who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than ten thousand dollars (\$10,000.00) or to imprisonment for not more than six (6) months.
- 19.2 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.
- 19.3 A **Building Official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work Order on the property or building wherein such work is being undertaken.
- 19.4 The **owner** of property on which a Stop Work Order has been posted, and every other **person**, shall cease all **construction** work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by a **Building Official**.
- 19.5 Where a **person** occupies a building or **structure** or part of a building or **structure** in contravention of section 3.1.6 of this bylaw a **Building Official** may post a "Do Not Occupy" notice on the affected part of the building or **structure**.
- 19.6 The **owner** of property on which a "Do Not Occupy" notice has been posted, and every **person**, shall cease occupancy of the building or **structure** immediately and shall refrain from further occupancy until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the "Do Not Occupy" notice has been rescinded in writing by a **Building Official**.
- 19.7 Every **person** who commences work requiring a permit without first obtaining such a **permit** shall, if a Stop Work Order is issued, pay an additional charge equal to twenty-five percent (25%) of the building **permit** fee prior to obtaining the required building **permit**.

DIVISION TWENTY – IMPLEMENTATION

- 20.1 Schedule "1" attached to this bylaw forms part of and is enforceable in the same manner as this bylaw.
- 20.2 If any provision of this bylaw is found invalid, such provision is severable and shall not affect the validity of the remainder of this bylaw.
- 20.3 Upon adoption of this Bylaw, "City of Salmon Arm Building Bylaw No. 3535" and amendments thereto are hereby repealed.
- 20.4 This bylaw may be cited for all purposes as the "City of Salmon Arm Building Bylaw No. 3939".

READ A FIRST TIME THIS	22nd	DAY OF	October	2012
READ A SECOND TIME THIS	22nd	DAY OF	October	2012
READ A THIRD TIME THIS	22nd	DAY OF	October	2012
ADOPTED BY COUNCIL THIS	13th	DAY OF	November	2012

"N. COOPER"

MAYOR

"C. BANNISTER"

CORPORATE OFFICER

SCHEDULE "1" to
City of Salmon Arm Building Bylaw No. 3939

OWNER'S UNDERTAKING / APPOINTMENT OF AN AGENT

Re: Building Permit # _____

Property
Address _____

Legal
Description _____

This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the City of Salmon Arm will rely on same.

The Owner acknowledges that Salmon Arm Bylaw No. 3939 regulates building construction in the City of Salmon Arm and, among other things, describes the responsibilities of the Owner and the role of the Building Inspector in that process.

The Owner will comply with the Bylaw and all bylaws and enactments in force in the City of Salmon Arm with respect to the works for which this building permit is applied for.

The Owner specifically acknowledges having reviewed Sections 1.1 and 5.3 of the Bylaw:

1.1 Purpose of Bylaw

The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.

1.1.1 This bylaw has been enacted for the purpose of regulating **construction** within the **City** in the general public interest. The activities undertaken by or on behalf of the **City** pursuant to this bylaw are for the sole purpose of providing a limited and interim spot-checking and **monitoring** function for reason of health, safety and the protection of **persons** and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

1.1.1.1 to the protection of **owners**, **owner/builders**, constructors or occupiers from bodily injury or economic loss;

1.1.1.2 to the assumption by the **City** or any **Building Official** of any responsibility for ensuring the conformance by any **owner**, his/her **agent** or any employees, constructors or designers retained by him/her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;

- 1.1.1.3 to providing any **person** a warranty of design or workmanship with respect to any building or **structure** for which a building **permit** or occupancy certificate is issued under this bylaw;
- 1.1.1.4 providing a warranty or assurance that **construction** undertaken pursuant to building **permits** issued by the **City** is free from latent or any defects or complies with this bylaw; or
- 1.1.1.5 to the assumption by the **City** or any **Building Official** of any responsibility for ensuring that any **construction** will be geotechnically sound and will not be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence, avalanche or other geohazards.

5.3 Neither the issuance of a **permit** under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the **City** shall in any way relieve the **owner** and his/her **agent** from full and complete responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and other applicable enactments respecting safety.

I am the owner of the above-referenced property and hereby authorize:

Agent _____ (Print Name) to represent me in an application for (please check, where applicable):

- Building Permit (Application # _____)
- Moving Permit (Application # _____)
- Demolition Permit (Application # _____)
- Plumbing Permit (Application # _____)
- Fireplace & Chimney Permit (Application # _____)

To view or receive copies of:

- Correspondence and/or Permits
- Permit Plans

To receive a building permit:

- As the owner of the subject property prior to transfer of title.

Owner's Information:

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ **Signature:** _____

Date: _____ **Witness:** _____

**ADDITIONAL
OWNER**

Name: _____

Address: _____

Telephone: _____ Contact
Person: _____

Date: _____ **Signature:** _____

Date: _____ **Witness:** _____

Where owner is a company:

Company
Name: _____

Address: _____

Telephone: _____ Contact
Person: _____

Date: _____ **Signature:** _____

Signature of authorized signatory for Company

Name of authorized signatory for Company

Title of authorized signatory for Company