

DISTRICT OF WEST KELOWNA

BYLAW NO. 0086

A BYLAW FOR THE ADMINISTRATION OF BUILDING REGULATIONS

**CONSOLIDATED FOR CONVENIENCE TO
INCLUDE BYLAW 0086.03, 0086.04, 0086.05**

WHEREAS the Council of the District of West Kelowna may by bylaw, pursuant to Section 8(3)(g) and (l) and Section 63 of the *Community Charter*, regulate, prohibit and impose requirements in relation to buildings and other structures for the health and safety of persons or property;

THEREFORE BE IT RESOLVED that the Council of the District of West Kelowna in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. TITLE:

This bylaw may be cited as “DISTRICT OF WEST KELOWNA BUILDING REGULATION BYLAW 2009 NO. 0086.”

Bylaw No. 0086.04, adopted May 13, 2014, amended bylaw 0086 by deleting any references to “Subdivision and Development Servicing Bylaw” and replacing with “Works and Services Bylaw.”

2. DEFINITIONS:

In this bylaw:

2.1 “agent” means a person authorized to act on behalf of another person.

2.2 “building” means any structure used or intended for supporting or sheltering any use or occupancy.

2.3 “Building Inspector” means an individual designated by the District as a Building Inspector.

2.4 “Certified Residential Builder” means a person certified by, and in good standing with, the Canadian Home Builders’ Association of B.C.

2.5 “Code” means the British Columbia Building Code 2006, as adopted pursuant to Section 692 of the *Local Government Act*, as amended or re-enacted from time to time.

2.6 “construct” means excavate, shore, deposit, erect, alter, install, demolish, remove, renovate, reconstruct or relocate.

- 2.7 “construction” means the excavation, shoring or deposition of soil (defined as sand, gravel, rock and other substances as defined by the *Community Charter*) for the purpose of constructing works, and the erection, alteration, installation, demolition, removal, renovation, reconstruction or relocation of a building or structure.
- 2.8 “District” means the District of West Kelowna.
- 2.9 “Final Inspection” means that the Building Inspector considered that no further inspections were necessary and that the project authorized by the permit was considered to be complete and ready for use at the time of the final inspection.
- 2.10 “occupancy” means that use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.11 “occupier” means a person: (a) who is qualified to maintain an action for trespass; (b) who is in possession of Crown land under a homestead entry or pre-emption record, (c) who is in possession of Crown land or land owned by a municipality or regional district, under a lease, licence, agreement for sale, accepted application to purchase, easement or other record from the Crown or municipality or regional district, or (d) who simply occupies the land;
- 2.12 “owner” means, in respect of real property, (a) the registered owner of an estate in fee simple; (b) the tenant for life under a registered life estate; (c) the registered holder of the last registered agreement for sale; (d) the holder or occupier of land held in the manner referred to in section 228 or section 229 of the *Community Charter*; (e) an Indian who is an owner under the letters patent of a municipality incorporated under section 12 of the *Community Charter*.
- 2.13 “permit” means the document issued under the authority of this bylaw which authorizes an owner to proceed with the project as described on the permit form and related documents.
- 2.14 “project” means an undertaking to construct, or change occupancy of, a building or structure, and includes those structures under construction.
- 2.15 “qualified tradesperson” means a person who holds current certification as a journeyman in the trade for which a statement of compliance is being provided pursuant to Section 17.5 of this bylaw.
- 2.16 “Registered Professional” means a person who is registered and licensed to practise as an architect under the *Architects Act* or as a professional engineer under the *Engineers and Geoscientists Act*.

Bylaw No. 0086.03, adopted February 11, 2014, amended Bylaw No. 0086 by deleting Section 2.17 in its entirety and replaced it with the following:

- 2.17 “retaining wall” means a wall that is built to resist lateral pressure which is intended to hold the ground in place against the forces of gravity.
- 2.18 “site services” includes water supply and distribution, sanitary sewer and storm water systems, electrical and gas services that provide services to a project within a parcel.

2.19 “structure” means something that is constructed, as a building or work of civil engineering, or portion thereof of any kind, whether fixed to, supported by, or sunk into land or water, but specifically excluding landscaping, paving, and retaining walls equal to or less than 1.5 meters in height.

2.20 “swimming pool” means a structure capable of being filled with water, used or intended to be used for swimming, bathing or wading and having a surface area greater than 14 square meters or a depth greater than 0.6 meters, but does not include a hot tub which is equipped with a rigid removable cover.

3. PURPOSE OF BYLAW:

3.1 This bylaw shall, notwithstanding any other provisions herein, be interpreted in accordance with this section.

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

3.2.1 to the protection of owners, owner/builders or contractors from economic loss;

3.2.2 to the assumption by the District or any Building Inspector of any responsibility for ensuring the compliance by any owner, their representatives or any employees, contractors or designers retained by them, with the Code, the requirements of this bylaw or any other applicable enactments respecting safety;

3.2.3 to providing any person a warranty of design, workmanship or materials with respect to any building or structure for which a permit is issued under this bylaw; and,

3.2.4 to providing a warranty or assurance that work undertaken pursuant to permits issued by the District is free from latent, or any defects.

4. CLIMATIC AND SEISMIC DATA:

4.1 The climatic and seismic values for the design of buildings under the Code shall be in conformance with the values in the Code for Kelowna, British Columbia, except:

4.2 The depth of ground cover for frost protection referred to in the Code shall be a minimum of 600mm.

5. EXEMPTIONS FROM BYLAW:

- 5.1 In addition to the exemptions specified in the Code, this bylaw does not apply to:
- 5.1.1 Landscaping or other surfacing of land, except retaining walls;
 - 5.1.2 Bridges other than pedestrian and vehicular bridges attached to buildings;
 - 5.1.3 Docks or wharves, except where a building is constructed on a dock or wharf, then this bylaw applies to the dock and the building;
 - 5.1.4 Decks or patios which are less than 0.6 metre from the ground; and,
 - 5.1.5 Site services within a bare land strata under the *Strata Property Act*.

6. APPLICATION OF BYLAW

- 6.1 In addition to the applications specified in the Code, this bylaw applies to:
- 6.1.1 The design and construction of swimming pool fences;
 - 6.1.2 The design and construction of retaining walls;
 - 6.1.3 The design and construction of site services for mobile home parks;
 - 6.1.4 The design and construction of site services for campgrounds or recreation vehicle parks;
 - 6.1.5 The design and construction of site services for commercial, industrial and residential developments;
 - 6.1.6 The relocation of buildings into or within the District; and,
 - 6.1.7 The construction of temporary buildings.
- 6.2 All references to this bylaw also include the Code where applicable.

7. PROHIBITIONS:

- 7.1 No person shall build or install a structure except in conformity with the requirements of this bylaw, the Code and other District bylaws.
- 7.2 No person shall commence construction of any project for which a permit is required, without first obtaining a permit for that purpose from the Building Inspector.
- 7.3 No person shall continue to construct a project where the Building Inspector has ordered construction to stop.

- 7.4 No person shall continue to construct a portion of a project where the Building Inspector has ordered construction to stop on that portion of the project.
- 7.5 No person shall, unless authorized by the Building Inspector, in any way tamper with or remove a Stop Work Order notice which has been posted or affixed to a project in accordance with this bylaw.
- 7.6 No person shall interfere with or obstruct the Building Inspector concerning any matter under this bylaw.
- 7.7 No person shall do any construction which varies substantially from the description, plans or supporting documentation for the project for which a permit has been issued, without first obtaining an amendment to the permit.
- 7.8 No person shall submit false or misleading information in relation to a permit.
- 7.9 No person shall change the occupancy of a building or part of a building without first obtaining a permit from the Building Inspector which authorizes the change.
- 7.10 No owner, agent or tenant shall allow use of a project or portion of a project for which a permit is required under this bylaw, without first obtaining an occupancy permit.
- 7.11 Except as permitted by Sections 19.18 and 19.19, no person shall cover any structure, or portion of a structure, required to be inspected under this bylaw, without first obtaining authorization from the Building Inspector to cover the structure.

8. PERMITS:

- 8.1 A permit is required whenever a project regulated by this bylaw is to be commenced. Projects regulated by this bylaw include, but are not limited to:
 - 8.1.1 Construction of new buildings;
 - 8.1.2 Construction of additions to buildings;
 - 8.1.3 Interior and exterior alteration of buildings and structures which involve materials or systems controlled by the Code;
 - 8.1.4 Construction of foundations for, and set up of, modular and mobile homes;
 - 8.1.5 Installation of plumbing systems;
 - 8.1.6 Alterations and additions to plumbing systems;
 - 8.1.7 Installation and alteration of fire protection sprinkler systems;
 - 8.1.8 Installation or alteration of mechanical exhaust and fire protection systems for commercial cooking equipment;

- 8.1.9 Construction, installation or alteration of chimneys or fireplaces;
- 8.1.10 Installation of solid fuel burning appliances;
- 8.1.11 Construction of, additions to, or alteration of, site services for mobile home parks;
- 8.1.12 Construction of, additions to, or alteration of, site services for campgrounds or recreation vehicle parks;

Bylaw No. 0086.03, adopted February 11, 2014, amended Bylaw No. 0086 by deleting section 8.1.13 in its entirety and replaced it with the following:

- 8.1.13 Construction of retaining walls over 1.2 m (3.9 ft) in height, measured from the ground level on one side of the structure to the ground level on the opposite side of the structure.
- 8.1.14 Construction of foundations and set up of moved buildings;
- 8.1.15 Construction of swimming pool fences;
- 8.1.16 Change of class of occupancy for a building or part of a building;
- 8.1.17 Construction of site services for commercial, industrial and residential developments;
- 8.1.18 Placement or construction of temporary buildings; or,
- 8.1.19 Demolition of buildings or structures.

8.2 The permit shall be issued by the Building Inspector when the applicant has:

- 8.2.1 Made an application which can be shown or certified to conform to the requirements of the Code and bylaws of the District;
- 8.2.2 Paid the fees prescribed in the Fees and Charges bylaw;
- 8.2.3 Obtained development approval from the District, as required;
- 8.2.4 Obtained approval to proceed from the District's Engineering Department, as required, where the project is affected by the District's bylaws such as the Works and Services Bylaw, or water and sewer regulatory bylaws;
- 8.2.5 Filed an Owner/Builder Declaration and Disclosure Notice where required by the *Homeowner Protection Act*, and
- 8.2.6 Filed proof of being a licensed residential builder with coverage by home warranty where required by the *Homeowner Protection Act*.

8.3 A permit shall be considered to be expired if:

- 8.3.1 The construction on a project authorized by the permit is not started within 6 (six) months from the date of issuance of the permit; or,
- 8.3.2 The work, once started, is suspended or discontinued for a period of one year.
- 8.4 A permit is not required for a temporary construction site office or temporary materials storage facility at a site for a project for which a permit has been issued.
- 8.5 Where a project authorized by a permit is not started and the permit is cancelled or expired, the District will refund fees as outlined in the fees and charges bylaw.
- 8.6 Where a permit is cancelled or expired, the owner shall obtain a new permit before any further work on the project is done.
- 8.7 A permit for a temporary mobile home, as authorized in the District's zoning bylaw, shall be valid for a period of 1 (one) year. Such permit is renewable for further 1 (one) year periods, subject to the requirements of the zoning bylaw and payment of permit renewal fees as specified in the Fees and Charges Bylaw.
- 8.8 A permit for a temporary building shall be valid for the length of time specified on the permit, but not more than 1 (one) year. Such permit is renewable for further 1 (one) year periods, subject to payment of permit renewal fees as specified in Fees and Charges bylaw. In no case shall a permit for a temporary building authorize such a building to be located on the same property for more than 4 (four) years as a temporary building.
- 8.9 A recreational vehicle may be used as a temporary building at a site for a single family dwelling project where a permit has been issued and construction is occurring for the dwelling on the same site. Such recreational vehicle may be used as a temporary building during the construction period of the dwelling, but no longer than 1 (one) year from the date of issuance of the permit for the dwelling.
- 8.10 Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the District shall in any way relieve the owner from full and sole responsibility to perform the work in strict accordance with this bylaw.
- 8.11 It shall be the full and sole responsibility of the owner to carry out the work in respect of which the permit was issued in compliance with the Code and this bylaw and all other applicable codes and standards and enactments.
- 8.12 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 Inspector, shall constitute in any way a representation or warranty that the Code or the bylaw or any other applicable codes, standards or enactments 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 Code or this bylaw or any standard of construction.

- 8.13 Every owner shall ensure that all construction complies with the Code, this bylaw and other applicable enactments respecting safety.

9 APPLICATION FOR PERMITS:

- 9.1 A person seeking to obtain a permit shall make application in writing to the Building Inspector, and such application shall:
- 9.1.1 be in a form prescribed by the District;
 - 9.1.2 be signed by the owner;
 - 9.1.3 be accompanied by an application fee in the amount specified in the Fees and Charges bylaw, with such fee to be applied to the required permit fee; and,
 - 9.1.1.1. except for permit applications for alterations, be accompanied by a current title search or State of Title Certificate for the property, plus any referenced covenants and statutory right-of-ways involving the District.
- 9.2. A permit application shall expire 6 (six) months after the application date if the permit has not been issued. The materials in support of such application may be destroyed by the District where the applicant has failed to retrieve them within 2 (two) years of the date of application.
- 9.3. There shall be no refund of a permit application fee where District staff have done any work beyond acceptance of the application.
- 9.4. Where the application is for a permit for the construction of a building, an addition, an alteration, or the moving of a building, the application shall state the intended use or uses of the building and include, where necessary, in support of the application, 2 (two) copies of the specifications and scale drawings of the project and site with respect to which the work is to be carried out. Incomplete applications will not be accepted.

In addition to the requirements of the Code, specifications and scale drawings shall include:

- 9.4.1 the legal description and civic address of the site on which the building is to be located;
- 9.4.2 the dimensions of the site on which the building is to be located;
- 9.4.3 the location of the proposed building by dimensions from the property lines;
- 9.4.4 the location of every other existing building on the site by dimensions from the property lines;
- 9.4.5 the location and dimensions of off-street parking and loading spaces, when required.

- 9.4.6 The building elevations for each face of the proposed building and, when required, of all existing buildings on the site;
 - 9.4.7 The north bearing on the site plan;
 - 9.4.8 the dimensions and intended use of all rooms and spaces
 - 9.4.9 the details and description of the wall, roof, ceiling and floor systems, including insulation and exterior and interior finishes;
 - 9.4.10 descriptions of the windows and doors, including type and size;
 - 9.4.11 the location of all plumbing fixtures;
 - 9.4.12 the type and location of all heating and ventilation appliances;
 - 9.4.13 the technical details, cross sections and other information to illustrate the features of the project;
 - 9.5.14 any other information necessary to establish compliance with this bylaw and other applicable bylaws of the District; and,
 - 9.5.15 where necessary, schematic drawings that show the size and location of every pipe and trap in the drainage system of the project.
- 9.5 Where the application is for a permit for the construction of site services for a mobile home park, campground, recreation vehicle park, or addition thereto, the application must be accompanied by 2 (two) copies of the specifications and scale drawings of the project. Such specifications and drawings shall include:
- 9.5.1 site plans;
 - 9.5.2 internal street and lane details, including sections, grades and vertical and horizontal curve details;
 - 9.5.3 pad or slab design for each proposed mobile home space or camp space;
 - 9.5.4 mobile home or camp space sizes;
 - 9.5.5 method of marking out each mobile home or camp space;
 - 9.5.6 location and size of common storage areas;
 - 9.5.7 location and size of all buffer and amenity open space areas;
 - 9.5.8 size and details of water mains, services and hydrants;
 - 9.5.9 size and design details of sewer mains, manholes and services and/or septic tank and field locations;
 - 9.5.10 location of all street lighting;

- 9.5.11 size and design details of all fences;
 - 9.5.12 size and location of parking spaces; and,
 - 9.5.13 storm water drainage provisions and details.
- 9.6 Where the application is for a permit for the construction of a retaining wall, the application must be accompanied by 2 (two) copies of the specifications and scale drawings of the wall. Such specifications and drawings shall include:
- 9.6.1 a site plan showing the size and location of the wall;
 - 9.6.2 a plan view of the wall and footing;
 - 9.6.3 typical cross sections of the wall; and,
 - 9.6.4 the stamp and signature of a Registered Professional.
- 9.7 Where the application is for a permit for the construction of site services, the application must be accompanied by 2 (two) copies of the specifications and scale drawings of the project. Such specifications and scale drawings shall include:
- 9.7.1 site plans;
 - 9.7.2 internal street and lane details, including sections, grades and vertical and horizontal curve details, grade, sub-grade and surfacing details;
 - 9.7.3 driveway and parking areas;
 - 9.7.4 size and location of parking and loading spaces;
 - 9.7.5 size and design details of water mains, services and hydrants;
 - 9.7.6 size and design details of sewer mains, manholes and services;
 - 9.7.7 location of all electrical services, transformer pads and kiosks, including street lighting; and,
 - 9.7.8 storm water drainage provisions and details.
- 9.8 Notwithstanding any other provisions of this bylaw, where the Code or this bylaw require that a Coordinating Registered Professional be involved, or where a project or portion of a project requires specialized technical advice, planning and supervision, all drawings, specifications and designs, or any part thereof, shall be certified by Registered Professionals as complying with the Code and this bylaw and the construction shall be done under the supervision of a Coordinating Registered Professional.
- 9.9 Where a project or a portion of a project has been certified under Section 9.8 and the permit documents show that the permit was issued based on that

certification, the fee for the permit shall be reduced by 10% for the value of that portion of the project covered by the certification.

- 9.10 The permit fee for a project allowed in this bylaw shall be reduced by 10% of that specified in the Fees and Charges Bylaw, but in no case shall the fee be less than \$500.00, notwithstanding the portion of the fee which could be rebated.
- 9.11 Every application for a permit shall include the following acknowledgements by the permit applicant:
 - 9.11.1 I acknowledge that if I am granted a building permit pursuant to this application that I am responsible for compliance with the Code, this bylaw and any other applicable enactment, code, regulation or standard relating to the work in respect of which the permit is issued, whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and/or construction services;
 - 9.11.2 I acknowledge that neither the issuance of a permit under this bylaw, nor the acceptance or review of plans, specifications, drawings or supporting documents, nor inspections made by or on behalf of the District constitute a representation, warranty, assurance or statement that the Code, the bylaws of the District or any other applicable enactment, code, regulation or standard has been complied with;
 - 9.11.3 Where the District requires that Letters of Assurance be provided by a Registered Professional pursuant to Section 290 of the *Local Government Act*, I confirm that I have been advised in writing by the District that it relied exclusively on the Letter of Assurance of "Professional Design and Commitment for Field Review" prepared by (insert name of Registered Professional) in reviewing the plans, drawings, specifications and supporting documents submitted with this application for a building permit;
 - 9.11.4 I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawings specifications and supporting documents submitted with this application; and,
 - 9.11.5 I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a permit by the District pursuant to this application and in respect of the execution of this acknowledgement.

10 GENERAL PROVISIONS

- 10.1 The owner shall post the permit card on the project site so that it is visible from the frontage street.
- 10.2 The owner shall have available on the project site at all times, when construction is taking place, a copy of the permit and related documents.

- 10.3 A permit or an application for a permit may be transferred to another person when the owner has requested the transfer in writing and the fee as identified in the Fees and Charges Bylaw has been paid.
- 10.4 An owner shall allow the Building Inspector at all reasonable times, to enter on the project site for any purpose pursuant to this bylaw.
- 10.5 Where a building is to be constructed within 2 (two) meters of a setback requirement in the District's Zoning bylaw, a survey certificate shall be provided to the Building Inspector and the certificate shall show the location of all exterior foundation walls and columns with reference to the nearest property lines.
- 10.6 A building shall not proceed beyond the foundation stage until a survey certificate required pursuant to this bylaw has been filed with the Building Inspector. Such survey certificate shall show that the siting of the building could, when finished, conform to the requirements of the District's zoning bylaw, applicable easements, right-of-ways and restrictive covenant lines. Such survey certificate shall be prepared by a BC Land Surveyor or other person as permitted by the *Land Surveyors Act*.
- 10.7 When a permit application is received it shall be referred to the District's Engineering Department to determine the requirements of the District's Works and Services Bylaw as it may apply to the proposed project.
- 10.8 Where the District has caused a notice to be filed on the title of a property in accordance with Sections 57 and 58 of the *Community Charter*, the notice may be removed, provided the:
 - 10.8.1 owner has obtained a new permit for the correction of the construction deficiencies;
 - 10.8.2 construction deficiencies have been corrected so that the conditions which gave rise to the filing of the notice have been rectified; and,
 - 10.8.3 owner has paid a title notice fee as outlined in the Fees and Charges Bylaw.
- 10.9 Except where prior arrangements have been made by the owner due to the size of the project, the exterior finish of a project shall be completed within 24 (twenty-four) months from the date of issuance of the permit for the project.
- 10.10 Where written information regarding the building and land use status of a property is requested by a person other than the owner of that property, a fee as set out in the Fees and Charges Bylaw for such information shall be paid to the District.

Bylaw No. 0086.05, adopted November 10, 2015, amended bylaw 0086 by adding the following 10.11 under General Provisions:

- 10.11 Every Permit Holder will be responsible for keeping the site in a clean and tidy condition and will be required to provide adequate containment, relative to the size of the project for which the Permit was issued, for the collection of construction waste materials.

11 MOVING OF BUILDINGS

- 11.1 No person shall relocate a building or part thereof into the District or from one property to another within the District unless the owner or the owner's agent has first obtained a permit for that purpose as provided for in this bylaw.
- 11.2 A person applying to relocate a building, structure or part thereof shall have the building, structure or part thereof evaluated prior to the move by the Building Inspector. For such evaluation the applicant shall pay the fee specified in the Fees and Charges Bylaw.
- 11.3 The evaluation referred to in Section 11.2 of this bylaw shall include:
 - 11.3.1 the building, structure or part thereof must, retain the character and style to the location to which it is moved and must have an equivalent value to those buildings or structures on adjacent lots.
 - 11.3.2 those portions of the building which are visible without removing finishes;and
 - 11.3.3 those items listed in Section 11.4 and 11.5 of this bylaw.
- 11.4 The owner shall upgrade the following items to meet current Code requirements when a build, structure or part thereof is relocated:
 - 11.4.1 chimneys and fireplaces
 - 11.4.2 any portion of the building in which failure is visibly evident without removing finishes
 - 11.4.3 smoke alarms
 - 11.4.4 fire exit windows; and
 - 11.4.5 plumbing
- 11.5 the owner shall replace the following systems when a building is relocated if they are decayed or worn out (as identified by the Inspector):
 - 11.5.1 roofing; and
 - 11.5.2 exterior finishes or portions thereof
- 11.6 The Building Inspector may issue a permit for construction involved in the moving of any building or structure or part thereof into or within the District when the owner has:
 - 11.6.1 deposited with the District a security deposit in the sum of \$20,000.00 in the form of a letter of credit to insure that the building, structure or part thereof is moved onto the new parcel within the District and all construction is completed as required by this bylaw within 6 months from the date of issuance of the permit; and

11.6.2 paid for and obtained a moving permit from the Director of Engineering and provide to the District:

- i) proof of public 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
- ii) cash or a letter of credit in the sum of \$5000.00 to pay for all damage to District property of every kind howsoever caused or occasioned by the moving of the building, structure or part thereof; and
- iii) a copy of notices to the utility companies having overhead wires along the route, informing them of the date, time and route of moving the building, structure or part thereof.

11.6.3 If the owner does not move the building, structure or part thereof for which the permit is issued and complete the construction within the time frame specified under section 11.6.1, the Building Inspector may notify the owner in writing and direct the owner to complete the work within 30 days from the date of the notice. If the work is not completed within the prescribed 30 days, the security deposit shall be forfeited to the District.

12 SWIMMING POOL FENCES

Bylaw No. 0086.03, adopted February 11, 2014, amended Bylaw No. 0086 by deleting section 12.1 in its entirety and replaced it with the following:

- 12.1 A fence or an equivalent barrier not less than 1.2 m (3.9 ft.) in height shall be provided to prevent access to a swimming pool. All openings through the fence shall be equipped with self-closing and self-latching gates. Latches shall be located on the swimming pool side of the gate and located at least 1 m (3.3 ft.) above grade. 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.
- 12.2 The fence or equivalent barrier referred to in Section 12.1 of this bylaw shall be of chain link type material, solid material with a flat vertical surface, or vertically oriented material, all intended to discourage climbing. All openings through such a fence or barrier shall have a size so as to prevent the passage of a spherical object having a diameter of 10 centimetres or greater. Vehicle or service gates through the fence or barrier shall be locked closed at all times when not in use.

Bylaw No. 0086.03, adopted February 11, 2014, amended Bylaw No. 0086 by deleting section 12.3 in its entirety and replaced it with the following:

- 12.3 Above ground swimming pools with exterior vertical sides 1.2 m (3.9 ft) or greater shall be considered to be protected if a barrier construction in accordance with 12.1 or 12.2 is erected around the access ladder.

12.4 A swimming pool fence or equivalent temporary barrier shall be in place prior to placing the water in a pool.

13 RETAINING WALLS

13.1 A Registered Professional shall undertake the design and conduct field reviews of the construction of retaining walls.

13.2 Retaining walls shall be designed in accordance with good engineering practice.

13.3 Registered Professionals responsible for design and field review of retaining wall shall submit schedules as referred to in the Code prior to issuance of a permit and completion certificate.

14 MOBILE HOME PARKS, CAMPGROUNDS AND RV PARKS

14.1 A Registered Professional shall undertake the design and conduct field reviews of mobile home parks, campgrounds and recreation vehicle parks.

14.2 Registered Professionals responsible for the design and field reviews for a mobile home park, campground or recreation vehicle park, shall submit schedules as referred to in the Code prior to issuance of an occupancy permit.

15 SITE SERVICES

15.1 A Registered Professional shall undertake the design and conduct field reviews of site services.

15.1 Site services shall be designed in accordance with good engineering practice

15.2 Registered Professionals responsible for the design and field reviews for site services, shall submit schedules as referred to in Division C, Section 2.2.7 of the Code prior to issuance of an occupancy permit.

16 SMOKE ALARMS

16.1 The owner of every building in the District is responsible to ensure that smoke alarms conforming to CAN/ULC-S531, "Smoke Alarms," are installed in each dwelling unit and, except for care or detention occupancies required to have a fire alarm system, in each sleeping room not within a dwelling unit.

16.2 Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, the smoke alarms shall be installed in the hallways.

16.3 Smoke alarms shall be installed in conformance with CAN/ULC S-553, "Installation of Smoke Alarms."

16.4 Smoke alarms are permitted to be battery operated.

- 16.5 Smoke alarms shall be tested by the owner according to the manufacturer's specifications to ensure that they are functioning correctly. If the smoke alarm is not functioning correctly, the owner shall immediately repair the smoke alarm.

17 BUILDING INSPECTOR

17.1 The Building Inspector is authorized to:

- 17.1.1 administer this bylaw;
- 17.1.2 keep paper, microfilm and electronic records of permits;
- 17.1.3 require an applicant for a permit, or a person with a valid permit, to show proof that any method, type of construction or material used in a project conforms with the requirements and provisions of this bylaw;
- 17.1.4 issue a stop work order where a project or a portion of a project is proceeding in contravention of this bylaw or the District's zoning bylaw;
- 17.1.5 enter any building or premises at any reasonable time concerning any matter under this bylaw;
- 17.1.6 refuse to issue a permit where the information submitted is inadequate;
- 17.1.7 refuse to issue a permit that would authorize a project or use that would not conform with the District's bylaws, including the zoning bylaw, subdivision servicing and development bylaw, and the sanitary sewer regulation bylaw;
- 17.1.8 revoke a permit where:
 - 17.1.8.1 there is a contravention of a condition under which the permit was issued;
 - 17.1.8.1 the permit was issued in error; or,
 - 17.1.8.3 the permit was issued on the basis of incorrect information;
- 17.1.9 require correction of construction deficiencies which do not conform with this bylaw on a project for which an active permit is in effect;
- 17.1.10 accept the recommendations of the Canadian Construction Materials Centre's Registry of Project Evaluations for the provision of equivalents as outlined in the Code;
- 17.1.11 accept the testing results and recommendations of recognized testing agencies; and,
- 17.1.12 require an applicant for a permit to provide a title search and copies of any covenants and statutory right-of ways listed on a title search.

- 17.2 the Building Inspector is authorized to issue a permit for a project with the condition that specific details which are incomplete or in error on the plans or specifications be included or modified to conform with this bylaw as the project is built, or that further details are to be provided at a later date.
- 17.3 the Building Inspector is authorized to issue a permit for the construction of a phase of a project before the entire plans and specification of the project are ready.
- 17.4 the Building Inspector is authorized to require an applicant for a permit or a person who has a valid permit to obtain a statement from a Registered Professional certifying that a portion or all of a project conforms to the requirements of this bylaw and good engineering practice.
- 17.5 the Building Inspector is authorized to rely on the written, signed statement of compliance of a Registered Professional, Certified Professional Builder or a qualified tradesperson for all or any portion of a project as assurance that the project or portion of the project conforms to this bylaw.

18 REPLACEMENT DWELLINGS

- 18.1 Where the District's zoning bylaw allows only one dwelling unit on a lot, the owner may obtain a permit to construct a replacement dwelling on the same lot where the owner agrees to demolish the first dwelling or convert it to a permitted accessory building within 60 (sixty) days of occupancy of the replacement dwelling.

19 INSPECTIONS

- 19.1. Except as noted in Section 19.17, 19.18 and 19.19 of this bylaw, every owner or agent carrying out construction pursuant to this bylaw shall obtain the required inspections from the Building Inspector and where the inspection reveals deficiencies, shall obtain re-inspections.
- 19.2 It is the obligation of the owner or the owner's agent to obtain inspections. No duty to inspect is cast upon the Building Inspector or the District due to the overriding obligation of the owner to ensure compliance with the Code and this bylaw.
- 19.3 It is not expected that the Building Inspector will review each example of the same item in a building, where an inspection involves multiple examples of the same item.
- 19.4 For accessory buildings, unless otherwise determined by the Building Inspector, the required inspections are:
 - 19.4.1 Footing inspection – after the preparations for footings are complete, prior to the placement of the concrete or P.W.F footings;
 - 19.4.2 Plumbing inspections – after any part of the plumbing systems is in place, including water and sewer services, prior to covering;

- 19.4.3 Framing inspection – after framing and sheathing of the project is complete, including fire stopping, bracing, chimneys, roofing, duct work, plumbing, gas venting, wiring and continuity of fire separations through concealed spaces, before any insulation, lath or other interior or exterior finish is applied which could conceal the work; and,
- 19.4.4 Occupancy inspection – after the project or a portion thereof is complete and ready for use, prior to any occupation of the whole or any portion of the project.
- 19.5 For swimming pool fences the required inspection is:
 - 19.5.1 Occupancy inspection – after the work is complete.
- 19.6 For mobile homes (additions for other than stairs and landings are inspected as per Section 19.7 of this bylaw), unless otherwise determined by the Building Inspector, the required inspections are:
 - 19.6.1 Plumbing inspections – after any part of the plumbing system is in place, including water and sewer services, prior to covering; and,
 - 19.6.2 Occupancy inspection– after the set up of the mobile home is complete and ready for use, prior to any occupation of the mobile home.
- 19.7 For all other projects, unless otherwise determined by the Building Inspector, the required inspections are:
 - 19.7.1 Footing Inspection – after preparation for footings are complete, prior to the placement of the concrete or P.W.F. footings;
 - 19.7.2 Dampproofing/drain tile inspection – after dampproofing and foundation drains are in place, prior to backfilling;
 - 19.7.3 Plumbing inspections – after any part of a plumbing system is in place, including water and sewer services prior to backfilling. Separate inspections will be done for water service, sewer service, rough in drain waste and vent piping, above ground rough in drain waste and vent piping and water distribution system;
 - 19.7.4 Framing inspections – after framing and sheathing of the project is complete, including fire stopping, bracing, chimneys, roofing, duct work, plumbing, gas venting, electrical wiring and continuity of fire separations through concealed spaces, before any insulation, lath or other interior or exterior finish is applied which could conceal the work;
 - 19.7.5 Insulation inspection – after the wall insulation and any rigid or friction fit ceiling insulation and air/vapour barrier is in place, prior to covering with any finish material; and,
 - 19.7.6 Occupancy inspection – after the project or a portion thereof is complete and ready for use, prior to any occupation of the whole or any portion of the project.

- 19.8 For footing inspections, the Building Inspector is authorized to review the following items:
 - 19.8.1 the general aspects of the site for a safe building area (i.e. rock fall hazard, slope stability, terrain);
 - 19.8.2 soil conditions as they appear at the footing level;
 - 19.8.3 where Registered Professionals are involved, their inspection reports;
 - 19.8.4 air temperature vis-a-vis the ability to cure concrete;
 - 19.8.5 footing depths for frost protection; and,
 - 19.8.6 footing sizes and locations in relation to the plans.

- 19.9 For dampproofing/drain tile inspections, the Building Inspector is authorized to review the following items:
 - 19.9.1 the survey certificate (where required);
 - 19.9.2 dampproofing completeness;
 - 19.9.3 foundation hole sealing;
 - 19.9.4 type and size of drain pipe and drain rock;
 - 19.9.5 a dry well or other termination location;
 - 19.9.6 where Registered Professionals are involved, their inspection report; and,
 - 19.9.7 height of foundation walls above grade.

- 19.10 For water service inspections, the Building Inspector is authorized to review the following items:
 - 19.10.1 depth of pipe for frost protection;
 - 19.10.2 piping material;
 - 19.10.3 service termination inside the building;
 - 19.10.4 check valve requirements;
 - 19.10.5 working pressure test; and,
 - 19.10.6 size of pipe as specified on the permit documents.

- 19.11 For sewer service inspections, the Building Inspector is authorized to review the following items:
 - 19.11.1 piping grades (slope) and size as specified on permit documents;

- 19.11.2 piping material and bedding;
 - 19.11.3 test;
 - 19.11.4 cleanout placement;
 - 19.11.5 inspection chamber plug retrieval; and,
 - 11.11.6 depth of pipe for frost protection.
- 19.12 For rough-in drain, waste and vent inspections, the Building Inspector is authorized to review the following items:
- 19.12.1 piping grades (slope);
 - 19.12.2 piping materials;
 - 19.12.3 piping layout and arrangement;
 - 19.12.4 support of piping;
 - 19.12.5 testing for leaks; and,
 - 19.12.6 backwater valve requirements, sumps.
- 19.13 For water distribution system inspections, the Building Inspector is authorized to review the following items:
- 19.13.1 pressure test for leaks;
 - 19.13.2 piping material;
 - 19.13.3 support for piping; and,
 - 19.13.4 location of piping (protection from freezing).
- 19.14 For framing inspections, the Building Inspector is authorized to review the following items:
- 19.14.1 where Registered Professionals are involved, their inspection reports;
 - 19.14.2 equivalency to plans in appearance and size;
 - 19.14.3 roof truss/rafter/joist installation;
 - 19.14.4 roof beams;
 - 19.14.5 type and thickness of roof sheathing;
 - 19.14.6 roof loads carried down to foundation;
 - 19.14.7 roof ventilation;

- 19.14.8 exhaust fan ducts installed, insulated and terminated;
- 19.14.9 attic accesses;
- 19.14.10 wall framing materials type and quality/size and spacing;
- 19.14.11 continuity of air/vapour barriers;
- 19.14.12 floor joist materials, spans, end bearings, bridging, nailing;
- 19.14.13 floor sheathing size, type;
- 19.14.14 posts, beams and columns sized and attached;
- 19.14.15 openings through floors sized and supported;
- 19.14.16 loads carried down to foundations;
- 19.14.17 crawl space accesses and ground cover;
- 19.14.18 sill plates separated from concrete and anchored;
- 19.14.19 cut, notched or drilled framing members;
- 19.14.20 door/window rough in sizes;
- 19.14.21 stairs: rise/run/uniformity/headroom;
- 19.14.22 smoke alarm locations – rough in locations marked;
- 19.14.23 fireplace/chimney – framing clearances/height/combustion air;
- 19.14.24 masonry chimney – liners/cleanouts;
- 19.14.25 roofing materials vis-a-vis slope of roof;
- 19.14.26 fire stopping;
- 19.14.27 fire separation systems where required;
- 19.14.28 solid fuel furnaces – clearances, combustion air, connection to chimney, installation instructions;
- 19.14.29 confirm that fire dampers are located in ducts at fire separations;
- 19.14.30 ramp slopes;
- 19.14.31 safety glass; and,
- 19.14.32 height of foundation walls above grade.

- 19.15 For insulation inspections, the Building Inspector is authorized to review the following items:
- 19.15.1 RSI value, type and installation of insulation from the top of the crawl space floor or lowest floor, up through the exterior walls including joist spaces to the top plates of the highest storey and the RSI value, type and installation of friction fit rigid insulation in floors and ceilings; and,
 - 19.15.2 where flexible sheet air barrier/vapour barrier is used, the type and installation of the air/vapour barrier from the top of the lowest floor up through all insulated spaces, including joist spaces and across ceilings and, where applicable, floors.
- 19.16 For occupancy inspections, the Building Inspector is authorized to review only the following items:
- 19.16.1 where Registered Professionals are required, their submitted schedules as referred to in Division C, Section 2.2.7 of the Code;
 - 19.16.2 completeness of exterior finish including height above grade;
 - 19.16.3 installation of required wall flashings and masonry supports;
 - 19.16.4 driveway designed to keep runoff out of garage/carport;
 - 19.16.5 down spout termination;
 - 19.16.6 deadbolt latches, security screws, door viewers, NRP hinges;
 - 19.16.7 interior and exterior handrails;
 - 19.16.8 correct size and location of interior and exterior guardrails;
 - 19.16.9 completeness of interior floor, wall and ceiling finishes;
 - 19.16.10 smoke alarms in place and functioning;
 - 19.16.11 doors and closures in place and functioning;
 - 19.16.12 fire exit windows in place and accessible;
 - 19.16.13 stops and traps on plumbing – materials and placement;
 - 19.16.14 required waterproof wall finishes in place and functioning;
 - 19.16.15 plumbing fixtures – approved materials and connected;
 - 19.16.16 heating system in place and operational;
 - 19.16.17 hot water supply system in place and operational;
 - 19.16.18 mechanical ventilation of building interior;

- 19.16.19 contractor's certificate for loose fill and spray applied thermal insulation;
 - 19.16.20 weather-stripping;
 - 19.16.21 required egresses, as per plan;
 - 19.16.22 required fire alarm systems – tested and verified;
 - 19.16.23 required emergency lighting and exit sign in place and operating;
 - 19.16.24 closures in fire separations – in place, type and rating;
 - 19.16.25 exhaust systems for commercial kitchens, spray booths, etc., - installed, tested and signed off by a Registered Professional;
 - 19.16.26 required fire sprinkler systems installed, tested and signed off by a Registered Professional;
 - 19.16.27 fire hydrant placement, as per plan;
 - 19.16.28 fire department accesses, as per plan;
 - 19.16.29 fire extinguisher placement, as per plan;
 - 19.16.30 ramp slopes; and,
 - 19.16.31 disabled requirements – lever handles, handrail terminations, highlighted risers, clear and level areas, tactile warning systems, directional signs, door lettering, paths of travel, automatic doors, washroom requirements, areas of refuge, floor level changes, exit door colors, handrail colors.
- 19.17 Where a qualified tradesperson provides written assurance that the items covered by a specific inspection have been constructed in accordance with the requirements of the Code, the Building Inspector is authorized to accept such assurance in lieu of an inspection.
- 19.18 Where a Registered Professional is responsible for the design and field review of a structure and submits schedules as required in Division C, Section 2.2.7 of the Code, the Building Inspector is authorized to accept a report in lieu of an inspection on those portions of the project which are subject of the noted schedules. However, the owner shall notify the Building Inspector when the work has progressed to each inspection stage.
- 19.19 Where a second re-inspection for any listed inspection is required because of a provision of the Code or this bylaw has not been complied with, the fee prescribed in the Fees and Charges bylaw shall be paid, prior to the second re-inspection.

20 PENALTIES

Any person who breaches any provision of this bylaw commits an offence and is liable, upon prosecution, to the penalties provided under the *Offence Act*.

21 SEVERABILITY

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

PASSED FIRST READING 2009-JUN-09.
PASSED SECOND READING 2009-JUN-09.
PASSED THIRD READING 2009-JUN-09.
ADOPTED 2009-JUN-23.

MAYOR

DIRECTOR,
CORPORATE SERVICES