

ADMINISTRATIVE REPORT TO COUNCIL  
ON  
**BUILDING REGULATIONS BYLAW NO. 11-84, 2025**

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**PURPOSE**

The purpose of this report is to introduce Building Regulations Bylaw No.11-84, 2025 (Attachment “A”), which applies to the design, construction, and/or occupancy of new buildings or structures and the alteration, reconstruction, demolition, removal, relocation, or change of use or occupancy of existing buildings and structures.

**COUNCIL STRATEGIC PLAN**

This report supports Council's strategic priorities and areas of focus regarding:

- **Safety and Security**
  - Safety: We prioritize the safety of our community for residents, businesses, and visitors.
  - Housing: We proactively create opportunities to increase the inventory of diverse housing supply so that residents can access and move throughout the housing continuum.
  - Emergency Preparedness and Response: We build community resiliency, mitigate the impacts of emergency events, streamline response, and ensure our protective services align with evolving needs.
  - Built Environment: We create diverse community spaces for people to safely travel through, gather in, and experience our community.
- **Governance and Service Excellence**
  - Community Engagement: We promote purposeful, available, and innovative engagement opportunities to ensure a range of voices are heard, thus informing decisions, creating transparency, and cultivating relationships.
  - Service Excellence: We promote the continuous development of staff and encourage innovation in process and service delivery.
- **Livability and Sustainability**
  - Climate Action: We practice discipline in our environmental responsibility by enhancing the City's resiliency and capacity for mitigating climate change. We actively implement actions to reduce our environmental impacts.
- **Economic Health**
  - Economic Strength: We build strategies to increase our competitive advantage, cultivate growth, and support our residents.

**SUMMARY**

Building Regulation Bylaw No. 11-84, 2025, will replace existing Building Regulations Bylaw No. 11-80, 2006, and all amendments thereto for the administration of BC Building Codes and the regulation of construction within the City of Kamloops. This bylaw modernizes and enhances

construction protocols in alignment with provincial and municipal standards to support a safer, more sustainable, and resilient community.

Building Bylaw No. 11-84, 2025, represents a substantial shift in the City of Kamloops' construction regulations, focusing on the city's long-term vitality by supporting safety, resilience, and efficiency in all building activities. It will create clarity and consistency by outlining the process in the bylaw rather than the policies that have been developed over the years. Council is encouraged to support initial readings of the bylaw to allow comprehensive community and industry engagement before bylaw adoption.

### **RECOMMENDATION:**

**That Council authorize:**

- a) Building Regulation Bylaw No. 11-84, 2025, to be introduced and read a first, second, and third time**
- b) staff to conduct public engagement and industry consultation and report back to Council before consideration of adoption**

### **SUPPORTING COUNCIL AND CORPORATE DIRECTION**

The City received a \$150,000 Local Government Development Approval Program grant from Union of BC Municipalities to improve the development approval process.

### **DISCUSSION**

The primary purpose of Building Regulation Bylaw No. 11-84, 2025, is to regulate and administer standards concerning the design, construction, and/or occupancy of new buildings and alteration, demolition, and relocation of existing structures. It also aims to create an efficient permitting process and strong compliance measures. In doing so, the bylaw addresses various elements critical to the City of Kamloops' growth, including:

- meeting provincial standards and building codes
- addressing challenges associated with increasing urban density
- enhancing service efficiency and permit processing times
- mitigating risks for the city, building industry, and occupants
- improving public safety for residents and surrounding properties

### **Background and Evolution of Construction Regulations in The City of Kamloops**

The City has regulated building construction via bylaws since 1909, with the most recent building bylaw adopted in 2006, then amended in 2021 for the BC Energy Step Code. Building regulations evolved significantly after 1998 following the "leaky condo" crisis in British Columbia. The Barrett Commission, initiated after this crisis, led to several provincial recommendations to enhance construction standards and the permitting process, which led to establishing the BC *Homeowner Protection Act* and the Municipal Insurance Association of British Columbia model core bylaw.

In 2015, to further improve the permitting process and construction quality in British Columbia, the province enhanced the residential builders licensing program and introduced the *Building Act*. The *Building Act* established provincial requirements on professional certification standards for building officials and limits the local government's ability to add requirements above or below minimum provincial codes and standards without provincial approval. Furthermore, the Province recently introduced the *Professional Governance Act* to significantly change registered professional requirements for engineers and architects, which are not addressed in the City's existing Building Regulations Bylaw. The new bylaw will incorporate these principles, ensuring compliance with provincial standards while addressing local construction challenges.

### **Initial Consultation**

While developing the draft Building Regulations Bylaw, staff completed an initial consultation process with internal departments and key building industry members. Staff also engaged the Province and legal counsel for concurrent review of the proposed updates and enforcement protocols for expired permits and illegal construction.

### **Significant Changes in the Proposed Bylaw**

#### *General Administration*

The proposed bylaw's administration sections have been reformatted to clearly communicate building permit requirements and conditions for all users. It outlines the roles and responsibilities of each individual in the permit process, enhances enforcement tools, streamlines permitting processes, and provides better alignment with other City bylaws, construction practices, the *Building Act*, and the BC Building and Plumbing Codes.

Major administrative updates include the following:

- Authority to regulate: Local government authority to regulate construction now includes wording related to conserving energy or water and reducing greenhouse gas emissions. It also includes a requirement for the City to retain certified building officials, as outlined in the *Building Act*.
- Expanded definitions: Terms are more clearly defined, aligning with BC Building Code terminology to improve understanding and enforcement.
- Bylaw purpose: The City's responsibilities are clearly stated, emphasizing that the City does not warranty building design or workmanship.
- Scope and exemptions: These have expanded to clarify when permits are required or exempted, particularly for small, habitable accessory buildings and significant landscaping changes requiring retaining structures and professional design.

#### *Limited Application to Existing Buildings*

The proposed bylaw recognizes that many older buildings do not comply with current standards due to age and/or unpermitted alterations. To mitigate risks associated with non-compliance, the bylaw stipulates that:

- New construction on existing buildings must comply with current codes in areas directly impacted by the addition or renovation.

- Buildings undergoing a change of use (e.g. from office to residential) may require substantial upgrades to achieve Building Code compliance and adhere to City land use (zoning) regulations.
- Unauthorized renovations must either be corrected or removed to meet current standards.

These provisions enhance clarity for building officials and owners, reducing delays, frustration, and added project costs.

#### *Powers of a Building Official*

Modifications include:

- The Chief Building Official and Building Inspectors will now be defined as Building Officials to provide consistency with the *Building Act*.
- The right to enter onto a property and into a building to ascertain compliance with the bylaw has been consolidated and clarified.
- The refusal and revocation of a permit have been clarified.

#### *Owners Responsibilities*

This new section would encompass all general contractors and trades to ensure compliance with City regulations and, in particular, damage to City property. While this adds another level of administration, it is part of the Municipal Insurance Association of British Columbia model core bylaw and is a best practice incorporated by other municipalities. It is a fair and consistent approach to dealing with on-site construction issues.

Modifications include the following:

- expansion and clarification of when permits are required
- requirements for requesting inspections and notifying the City of changes to the project or ownership
- obtaining occupancy approvals

#### *Registered Professional's Responsibilities*

This existing requirement has been expanded at the recommendation of the Municipal Insurance Association of British Columbia to align with the *Building Act* and to reduce exposure from liability claims.

Modifications include the following:

- Increased reliance on registered professionals for the structural design of simple buildings due to increasing building complexity and increases in the provincial standards for wind and seismic requirements outside the scope of building official certifications.
- Greater reliance on geotechnical assessments due to increasing infill development, steep slope and seismic requirements and other geologic challenges. Issues related to foundation repairs and drainage issues are some of the most frequent and costly claims for the Municipal Insurance Association of British Columbia.

- Request for professional involvement (architects) in the design and field reviews of building envelopes for multi-family residential projects.
- Increased use of architects for mid-density infill residential development and small commercial projects as required by the Architects Regulation under the Professional Governance Act.

### *Certified Professional Program*

The Certified Professional Program is an alternative permit process to expedite review and permit issuance. This proposed part of the bylaw would introduce the allowance of a specialized professional (engineer or architect) to oversee the plan review and on-site construction monitoring for complex buildings instead of the City's direct involvement. Due to the specialized professional requirement, a limited number of communities have utilized this program as it requires very specific standards to meet the Certified Professional Program. Despite this, staff believe it is important to include the program in the bylaw as an option for clients if they can show they have met the program standards.

### *Permit Requirements and Expanded Permit Types*

The proposed bylaw outlines new or modified permit types and requirements for various structures and mechanical and life safety systems, ranging from single-family homes to tower cranes.

Key changes include the following:

- Improved application standards: Higher-quality submissions are mandatory to ensure consistency and streamline the permit review process.
- Increased design standards: Particularly for steep slopes and infill developments, to mitigate impacts on adjacent properties and city infrastructure.
- New and expanded permits: Permit types have been formalized or added to address fire alarm installation and replacement, commercial kitchen mechanical systems, storage racking, tiered retaining walls, construction tower cranes, and solar installations:
  - Building relocations (formalized) - to outline safety compliance, permit timelines, and securities. It also includes the prohibition of relocating manufactured homes built to Z240 standards that are greater than 30 years old due to the poor condition of these types of units beyond this age limit.
  - Demolitions (formalized) - to better outline the role of the owner and contractor in safely removing buildings and structures. It also includes provisions for delayed demolition permits for landlords required to meet the conditions of the *Residential Tenancy Act*.
  - Fire alarms (new) - added due to the number of altered fire alarm systems without the involvement of Kamloops Fire Rescue and/or professionals that Kamloops Fire Rescue has discovered during annual inspections.

- Mechanical, plumbing, and sprinkler permits (formalized) - to ensure conformance with significant changes in the BC Building and Plumbing Codes and National Fire Protection Association regulations for installing fire suppression systems. Permits will also include the oversight of commercial kitchens' ventilation systems, spray booths and wood dust collection systems by registered professionals.
- Pool permits (formalized) - to address potential risks associated with drainage and structural design and changes to fencing requirements for larger properties
- Retaining walls (formalized) - due to increased steep slope development, infill development challenges, and recent failures within the region. It will also outline limits to landscaping without retaining walls.
- Solar installation (new) - photovoltaic and hot water installations included due to increased structural requirements outlined in the 2024 BC Building Code.
- Crane permit (new) - included due to the increased number of construction cranes and liabilities of transporting loads over public or private property.
- Storage racking permit (new) - included due to increased requirements outlined in the 2024 BC Building Code.
- Temporary buildings (formalized) - to provide a better overview of minimum health and safety standards and will include time limits and security requirements.
- Overall permit process: The permit process and requirements have been expanded to ensure a clear understanding of what is required at each project stage, including applications, permit issuance, on-site works, and permit completion and/or occupancy approvals.

### *Specific Design Requirements*

In response to unique community challenges and in collaboration with other departments, several design requirements have been either introduced or updated:

- Kamloops Fire Rescue access routes: Enhanced access standards for emergency responders with specifications for multi-unit buildings and hillside developments.
- Firefighting water supply: Designers of multi-family and commercial buildings are required to calculate fire flow to ensure adequate water supply for firefighting purposes.
- Flood construction levels: Updated internal procedures ensure that buildings in flood-prone areas meet flood plain requirements.

### *Compliance and Enforcement*

New provisions that clarify offences and establish a transparent, consistent enforcement process for non-compliant construction:

- Offenses: Clear guidelines for addressing offences, including commencing work without a permit and unauthorized occupancy
- Unsafe conditions: Authority to impose “no-occupancy” orders for buildings deemed unsafe or lacking essential services
- Penalties: Increasing fines and penalties in line with other municipalities aimed at strengthening compliance, reducing staff time spent on enforcement, and promoting fair practices within the industry

### ALTERNATIVES/OPTIONS

The proposed bylaw is modelled on the Municipal Insurance Association of British Columbia core bylaw, which was created to provide local governments with a more modern and consistent approach across the province in processing permits and administering codes. Development of the bylaw has considered feedback from initial consultation, legal review, and consultation with the Province for conformity to the *Building Act*.

If Council does not support the bylaw as proposed, staff will revisit and revise the document based on feedback and further consultation.

### FINANCIAL IMPLICATIONS

Fees collected as part of the permit process go towards departmental operations through the City’s general revenue budget. Building Inspection Unit revenues have historically led to a net positive operating budget.

- Permit fee adjustments: The bylaw introduces a 5% (to a \$500 maximum) permit discount fee when permit reviews exceed set timelines, underscoring the City’s commitment to improving customer service.
- Added permit types: The increase in permit types will increase departmental revenue. These include reviewing alternate solutions, homeowner plumbing installations, and fire suppression. For departmental consistency, all fees are being removed from the Building Regulations Bylaw and will be brought forward in the Development and Land Use Application Fees Bylaw.
- Potential long-term savings: By enhancing construction standards and permit efficiency, the bylaw aims to minimize costly deficiencies and repairs, potentially reducing City liability and creating savings for property owners.

### SUSTAINABILITY IMPLICATIONS

The shift to accepting digital permit applications initiated in 2024 has/will reduce the amount of paper consumed and space required for records storage.

### COMMUNICATIONS PLAN

In collaboration with the Communications and Community Engagement Division, the external engagement strategy has two planned stages:

- Stage 1 - Inform/Consult: Workshops and surveys will gather feedback from the construction industry on critical bylaw components, including permit processing,



enforcement, and specific design requirements. A dedicated web page and a public information session will help inform the public at large of the same.

- Stage 2 - Inform and Educate: After the bylaw's adoption, educational initiatives will help the public and the construction industry understand new requirements and procedures. This stage includes updating application forms and guides and hosting educational sessions.

Pending Council's authorization for public engagement, information on proposed bylaw changes will be available on the Modernizing the Building Bylaw page on the City's Let's Talk engagement site, which will be launched by January 15, 2025. Information sessions with key industry representatives and the public are planned for mid-January.

Following the bylaw's adoption, the City's website will be updated with new information, and educational material will be prepared for the public and permit applicants.



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Approved for Council

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MV/kjm

Attachment



## CITY OF KAMLOOPS

## BUILDING REGULATION BYLAW NO. 11-84, 2025

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

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The Municipal Council of the City of Kamloops, in open meeting assembled, hereby enacts as follows:

**PART 1        TITLE**

- 1.1     This bylaw may be cited as “Building Regulation Bylaw No. 11-84, 2025”.
- 1.2     City of Kamloops Building Regulations By-law No. 11-80, 2006, and all amendments thereto are hereby repealed.

**PART 2        TABLE OF CONTENTS**

<b>PART 1</b>	<b>TITLE .....</b>	<b>1</b>
<b>PART 2</b>	<b>TABLE OF CONTENTS .....</b>	<b>1</b>
<b>PART 3</b>	<b>SEVERABILITY .....</b>	<b>2</b>
<b>PART 4</b>	<b>INTERPRETATION.....</b>	<b>2</b>
<b>PART 5</b>	<b>PURPOSE OF THE BYLAW .....</b>	<b>7</b>
<b>PART 6</b>	<b>SCOPE AND EXEMPTIONS .....</b>	<b>8</b>
<b>PART 7</b>	<b>PROHIBITIONS .....</b>	<b>9</b>
<b>PART 8</b>	<b>POWERS OF A BUILDING OFFICIAL.....</b>	<b>11</b>
<b>PART 9</b>	<b>OWNER’S RESPONSIBILITIES.....</b>	<b>14</b>
<b>PART 10</b>	<b>OBLIGATIONS OF OWNER’S CONSTRUCTOR .....</b>	<b>16</b>
<b>PART 11</b>	<b>REGISTERED PROFESSIONAL’S RESPONSIBILITIES.....</b>	<b>17</b>
<b>PART 12</b>	<b>CONDITIONS OF PERMIT .....</b>	<b>21</b>
<b>PART 13</b>	<b>PERMIT APPLICATION REQUIREMENTS FOR SIMPLE AND COMPLEX BUILDINGS .....</b>	<b>22</b>
<b>PART 14</b>	<b>BUILDING MOVE PERMIT.....</b>	<b>43</b>
<b>PART 15</b>	<b>DEMOLITION PERMITS.....</b>	<b>45</b>
<b>PART 16</b>	<b>FIRE ALARM PERMITS .....</b>	<b>47</b>
<b>PART 17</b>	<b>COMMERCIAL KITCHEN MECHANICAL VENTILATION PERMITS .....</b>	<b>47</b>
<b>PART 18</b>	<b>PLUMBING AND FIRE SUPPRESSION PERMITS .....</b>	<b>48</b>
<b>PART 19</b>	<b>POOL PERMITS .....</b>	<b>49</b>
<b>PART 20</b>	<b>RETAINING WALLS AND GRADES .....</b>	<b>52</b>

<b>PART 21</b>	<b>SOLAR HOT WATER &amp; PHOTOVOLTAIC SOLAR PANEL PERMIT .....</b>	<b>53</b>
<b>PART 22</b>	<b>TEMPORARY BUILDING PERMIT .....</b>	<b>54</b>
<b>PART 23</b>	<b>CRANE PERMIT .....</b>	<b>55</b>
<b>PART 24</b>	<b>ACCESS ROUTE FOR FIRE DEPARTMENT ACCESS .....</b>	<b>55</b>
<b>PART 25</b>	<b>FIRE FIGHTING WATER SUPPLY FOR PART 9 SIMPLE BUILDINGS .....</b>	<b>56</b>
<b>PART 26</b>	<b>CLIMATIC DATA .....</b>	<b>56</b>
<b>PART 27</b>	<b>ENERGY CONSERVATION and GHG EMISSIONS REDUCTION .....</b>	<b>56</b>
<b>PART 28</b>	<b>NUMBERING OF BUILDINGS .....</b>	<b>57</b>
<b>PART 29</b>	<b>TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION .....</b>	<b>58</b>
<b>PART 30</b>	<b>OFFENCES AND ENFORCEMENT .....</b>	<b>60</b>
<b>PART 31</b>	<b>UNSAFE CONDITIONS .....</b>	<b>61</b>

### **PART 3 SEVERABILITY**

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

### **PART 4 INTERPRETATION**

- 4.1 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended to the date of the reference.
- 4.2 Every reference to:
- (a) the Building Code is a reference to the current edition as of the date of application for the Building Permit, and
  - (b) a section of the Building Code is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.
- 4.3 Where any provincial act or regulation or any other City bylaw may apply to any matter covered by this bylaw, compliance with this bylaw shall not relieve the Owner or their Agent from complying with provisions of such other act, regulation or bylaw.
- 4.4 Definitions of words and phrases used in this bylaw that are not included in the definitions in this part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

**Definitions**

4.5 In this bylaw the following words and terms have the meanings as set out in the Building Code as of the date of the adoption of this bylaw:

- (a) Section 1.2.1.1: alternative solutions;
- (b) Section 1.4.1.2: accessible, assembly occupancy, building area, building height, business and personal services occupancy, care occupancy, Constructor, Coordinating Registered Professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post-disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy, or unsafe condition.

4.6 In this bylaw, all words or phrases shall have their common meaning except where changed, modified, or expanded by the definitions set forth in this section.

“Accepted” means, in respect of the functions of the Building Official, reviewed by the Building Official under the applicable provisions of the Building Code and this bylaw.

“Addition” means an Alteration to any Building which will increase the total aggregate floor area or the building height (in storeys) and includes the provision of two or more separate buildings with openings between each other for intercommunication, as well as any addition to a plumbing system by adding any new plumbing fixtures, plumbing systems, or piping systems.

“Agent” includes a firm, corporation, or other person representing the Owner by written designation or contract and includes a hired tradesperson or Constructor who may be granted a Permit for Work within the limitations of their licence.

“Alteration” means a change, repair or modification of the Construction or arrangement of or use of any Building or Structure, or to an occupancy regulated by this bylaw, as well as any change, repair, relocation, removal, or modification of plumbing On-site Services, plumbing systems or piping systems.

“Building” means any Construction used or intended for supporting or sheltering any use or occupancy, including a Mobile Home.

“Building Official” means the person designated in or appointed to that position by the City and other such person or persons as they may designate from time to time as their assistants.

“Change of Use or Occupancy” means changing the use of a Building, or portion of a building, to an alternative use, even if no Construction or Alterations are anticipated.

“City” means the City of Kamloops.

“Complex Building” means

- (a) a Building used for a major occupancy classified as:
  - (i) assembly occupancy;
  - (ii) care or detention occupancy;
  - (iii) high-hazard industrial occupancy;
  - (iv) treatment occupancy; or
  - (v) post-disaster building.
- (b) a Building exceeding 600m<sup>2</sup> in building area or exceeding three storeys in building height used for a major occupancy classified as:
  - (i) residential occupancy;
  - (ii) business and personal services occupancy;
  - (iii) mercantile occupancy; or
  - (iv) medium and low hazard industrial occupancy.

“Coordinating Registered Professional” means a registered professional retained pursuant to the Building Code to coordinate all design Work and field reviews of the registered professionals required for a development.

“Construct” or “Construction” includes to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate, or shore.

“Constructor” means a person who Constructs.

“Crane” means a machine (either freestanding or self-erecting) for raising, shifting, and lowering heavy weights by means of a projecting swinging arm or with the hoisting apparatus supported on an overhead track

“Existing”, in respect of a Building, means the portion of a building constructed prior to the submission of a Permit application required under this bylaw.

“Expire” means a condition of Permit issuance where the rights of the Owner under that Permit are terminated, typically through the passage of time.

“Flood Plain”, means a parcel of land or portion of any parcel of land lying at an elevation equal to or less than the flood Construction level as established by the City of Kamloops bylaws.

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

“GHG” means greenhouse gas, which includes a wide range gases that trap heat in the atmosphere increasing the average temperature and causing climate change.

“Health and Safety Aspects of the Work” means design and Construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the Building Code; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B.

“Hot Tub” means a Structure or Constructed depression used or intended to be used for swimming, bathing, or wading, which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground Pool and Hot Tub to a maximum area of 7.5 m<sup>2</sup>.

“Inter-modal Containers” means a large metal box, in the shape of a rectangular parallelepiped, designed and used to transport goods from one port to another by road, rail, sea, or air, also called freight shipping; except when used for storage it is considered a Structure, as defined by this bylaw.

“Manufactured Home” means Mobile Home or Modular Home as defined in this bylaw.

“Mobile Home” means a Manufactured Home constructed to the requirements of the CSA National Standard CAN/CSA-Z240MH Series-09 or any preceding or replacement standard.

“Modular Home” means a Manufactured Home conforming to the requirements of the CSA National Standard CAN/CSA A277-16 or any preceding or replacement standard for certified factory-built homes.

“Monitored” means the method by which a Building Official may review the process of field reviews as conducted by registered professionals pursuant to the Building Code and this bylaw and other applicable enactments:

- (a) the monitoring function is satisfied by the Building Official's receipt of the applicable letters of assurance submitted by the registered professional and as referred to in Section 2.6 of Part 2 of the Building Code;
- (b) 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;
- (c) monitoring does not include assessment of compliance with the Building Code, this bylaw or any other enactments, or the approval of any aspect of Construction.

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

“Off-site Services” means services required pursuant to the City Subdivision and Development Bylaw of the day that are required to be located on a public road, public land, or statutory right-of-way at final approval of the subdivision or development.

“Owner” means the registered Owner of an estate in fee simple of land, or an Agent duly authorized by the Owner in writing in the prescribed form, and where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner in accordance with the *Community Charter*, or
- (d) a lessee with authority to build on land.

“Permit” means permission or authorization in writing by the Building Official to perform Work regulated by this bylaw and, in the case of an occupancy inspection notice, to occupy a Building or part of a Building.

“Pool” means a Structure or Constructed depression used or intended to be used for swimming, bathing, wading, or diving, which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground Pool and Hot Tub;

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

“Project” means any Construction operation.

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

“Retaining Wall” means any Structure other than a Building that holds or retains soil or other earth material behind it.

“Simple Building” means a Building of three storeys or less in building height, having a building area not exceeding 600m<sup>2</sup> and used for a major occupancy classified as:

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

“Step Code” means the BC Energy Step Code as referenced in the British Columbia Building Code Section 9.36.6 as amended from time to time.

“Structure” means Construction or portion of Construction, of any kind, whether fixed to, supported by or sunk into land, airspace or water, and includes Foundations or supporting framework for exterior signs, equipment and machinery, interior storage racking greater than 2.6 m in height, tents, Retaining Walls, Inter-modal Containers, and Pool fences, but specifically excludes paving, fences and landscaping.

“Temporary Building” includes any temporary sales office, Construction office or a Structure in which tools are stored during Construction of a Building or other Structure.

“Work” means the same as Construct or Construction as defined in this bylaw.

## **PART 5        PURPOSE OF THE BYLAW**

- 5.1     Despite any other provisions in this bylaw, this bylaw must be interpreted in accordance with this part.
- 5.2     Every Permit issued under this bylaw is issued expressly subject to the provisions of this part.
- 5.3     This bylaw is enacted to regulate, prohibit, and impose requirements in regard to Construction in the City in the public interest.
- 5.4     The purpose of this bylaw does not extend to:
  - (a)     the protection of Owners, designers, Constructors, or any other persons from economic loss;
  - (b)     the assumption by the City or any Building Official of any responsibility for ensuring the compliance by any Owner, Owner’s Agents or any employees, Constructors or designers retained by the Owner, with the Building Code, the requirements of this bylaw, or other applicable enactments, codes or standards;
  - (c)     providing any person with a warranty of design or workmanship with respect to any Building or Structure for which a Building Permit or occupancy Permit is issued under this bylaw;
  - (d)     providing any person with a warranty or assurance that Construction undertaken under Building Permits issued by the City is free from latent, or any, defects; or
  - (e)     the protection of adjacent real property from incidental damage or nuisance.



## **PART 6        SCOPE AND EXEMPTIONS**

### **Application**

- 6.1     This bylaw applies to the geographical area of the City and to land, the surface of water, air space, Buildings, or Structures in the City.
- 6.2     This bylaw applies to the design, Construction, or occupancy of new Buildings or Structures; and the Alteration, reconstruction, demolition, removal, relocation, or occupancy or change of use or occupancy of existing buildings and Structures, including Farm Buildings as regulated by the National Farm Code.
- 6.3     Metric units are used for all measurements in this bylaw; however, where necessary 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. Any ambiguity, conflict, or inconsistency between the metric measurements and the imperial measurements will be resolved by giving precedence to the metric measurements.
- 6.4     This bylaw does not apply to:
- (a)     a fence, except as set out in Part 19 of this bylaw;
  - (b)     an accessory building with a floor area of less than 10m<sup>2</sup> and does not contain electrical or plumbing facilities;
  - (c)     a trellis or arbour;
  - (d)     a Retaining Wall supporting soil that is:
    - (i)     less than 1.2m in height;
    - (ii)    a sequence of Retaining Walls, where each Retaining Wall is less than 1.2m in height and is spaced greater than two horizontal to one vertical; or
    - (iii)   in the opinion of the Building Official does not constitute a potentially unsafe condition;
  - (e)     landscaping or other surfacing of land, except when creating a public parking lot;
  - (f)     bridges other than pedestrian and vehicular bridges attached to Buildings;
  - (g)     docks or wharves;
  - (h)     decks or patios which are less than 600mm from the ground or finished grade, which are not attached to a Building and have no walls or roofs;
  - (i)     factory-built housing and components complying with CAN/CSA-Z240 MH Series standard, but this exemption does not extend to on-site preparations (Foundations, anchorage), connection to services and installation of appliances;
  - (j)     repair and maintenance of lawfully conforming Structures where the level of life safety and building performance shall not be decreased below a level that already exists;

- (k) the cleaning or repair of mechanical heating and ventilation systems other than commercial ventilation systems; and
- (l) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the Work does not involve or require the rearrangement of valves, pipes or fixtures, or hot water tanks.

### **Limited Application to Existing Buildings**

- 6.5 Except as provided in the Building Code or to the extent an Existing Building is under Construction or does not have an occupancy Permit, when an Existing Building has been constructed before the enactment of this bylaw, the enactment of this bylaw shall not be interpreted to require the building be reconstructed or altered, unless it is expressly so provided by this or another bylaw, regulation, or statute.
- 6.6 This bylaw applies if the whole or any part of an Existing Building is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation.
- 6.7 If an Alteration is made to an Existing Building, the Alteration shall comply with this bylaw and the Building Code and the entire Building shall be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new health and safety issues in the remainder of the Building as a result of the Alteration.
- 6.8 If an Alteration creates an Addition to an Existing Building, the Alteration or Addition shall comply with this bylaw and the Building Code and the entire Building shall be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new health and safety issues introduced in the remainder of the Building as a result of the Alteration or Addition.
- 6.9 If an Alteration is made to an Existing Building, its plumbing system or fire suppression system, the Alteration shall comply with this bylaw and the building code.
- 6.10 Where a building is damaged by fire, decay, storm, or otherwise to an extent greater than 75% of its assessed value upon its Foundations unless in every respect the whole of the building is made to comply with the Building Code.

### **PART 7 PROHIBITIONS**

- 7.1 A person shall not commence or continue any Construction, Alteration, excavation, reconstruction, demolition, removal, relocation, or change the use or occupancy of any Building or Structure, including other Work related to Construction:
  - (a) except in conformity with the requirements of the Building Code and this bylaw; and
  - (b) unless a Building Official has issued a valid Permit for the Work under this bylaw.

- 7.2 A person shall not occupy or Permit the occupancy of any Building or Structure or part of it thereof:
- (a) unless a valid occupancy inspection notice has been issued by a Building Official; or
  - (b) in contrary to the terms of any Permit issued or any notice given by a Building Official.
- 7.3 A person shall not knowingly submit false or misleading information to a Building Official in relation to any Permit application or Construction undertaken pursuant to this bylaw.
- 7.4 Except in accordance with this bylaw, a person shall not erase, alter, or modify plans and supporting documents filed for reference with the Building Official, including acceptance of revised plans or supporting documents after the same has been accepted by the Building Official or a Permit has been issued.
- 7.5 A person shall not reverse, alter, deface, cover, remove, or in any way tamper with any notice, Permit, or certificate posted or affixed to a Building or Structure pursuant to this bylaw unless authorized in writing by a Building Official.
- 7.6 A person shall not do any Work that is substantially at variance with the Accepted design or plans of a Building, Structure, or other Works for which a Permit has been issued unless that variance has been authorized in writing by a Building Official.
- 7.7 A person shall not interfere with or obstruct the entry of a Building Official or other authorized City official on property in the administration of this bylaw.
- 7.8 A person shall not Construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address.
- 7.9 A person shall not change the use, occupancy or both of a Building or Structure or a part of it without first applying for and obtaining a Building Permit under this bylaw.
- 7.10 A person shall not cover or conceal any Works required to be inspected under this bylaw without first obtaining written acceptance from a Building Official.
- 7.11 A person shall not continue any Work if a Stop Work Order is posted by a Building Official other than the remedial actions required by the notice.
- 7.12 A person shall not occupy a Building, Structure, or part of it if a Do Not Occupy Notice is posted by a Building Official.
- 7.13 A person shall not allow loose or blowing debris and shall be subject to a continuous and effective program of dust control during the various phases of Construction.
- 7.14 A person shall not allow damage to municipal Works or property.

- 7.15 A person shall not allow Work to extend outside the boundaries of the property on which the Work is or is to be located and ensure that the Work does not adversely affect adjacent properties.
- 7.16 A person shall not place water within a Pool until a swimming Pool fence or equivalent temporary barrier inspected and Accepted by a Building Official is put in place.
- 7.17 A person shall not allow a direct connection to be made between any sewer or any other drainage system and any line connected to a Pool.
- 7.18 A person shall not allow a Pool to be designed with a direct connection from the domestic water supply below the flood level of the Pool unless protected by an approved backflow prevention device.
- 7.19 A person shall not allow a Building or Structure to be occupied if the supply of electricity or natural gas has been disconnected due to a hazardous or potentially hazardous situation existing in the Building or Structure or part thereof and the supply of electricity or natural gas to the Building or Structure shall not be reconnected and the Building or Structure shall not be used or occupied until allowed by a Building Official.

## **PART 8 POWERS OF A BUILDING OFFICIAL**

### **Administration**

- 8.1 Words defining the authority of Building Officials are to be construed as internal administrative powers and not as creating a duty.
- 8.2 A Building Official may:
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) keep records of applications received, Permits, notices; and orders issued, inspections, and tests made, and may retain copies of all digital, or hard copy papers, and documents connected with the administration of this bylaw;
  - (c) establish or require an Owner to establish whether a method or type of Construction or material used in the Construction of a Building or Structure complies with the requirements and provisions of this bylaw and the Building Code;
  - (d) direct that tests of materials, equipment, devices, Construction methods, structural assemblies or Foundations be carried out, or that sufficient evidence or proof be submitted by the Owner, or at the Owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, Construction or Foundation condition complies with this bylaw and the Building Code; and
  - (e) carry proper credentials confirming their status as a Building Official.

- 8.3 In instances where a Building Permit is applied for on land having no access to a City approved water supply system, the Building Official may require that a covenant be registered against the property as a condition of issuance of a Building Permit.

### **Refusal and Revocation of Permits**

- 8.4 A Building Official may refuse to issue a Permit where:

- (a) the proposed Work will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City, and must state the reasons in writing;
- (b) the results of the tests on materials, devices, Construction methods, structural assemblies or Foundation conditions are not satisfactory to the Building Official;
- (c) the parcel referred to in the Permit application does not
  - (i) have vehicular access; or
  - (ii) meet requirements of other City bylaws: or
- (d) the applicant or Owner has been notified of a violation of this or any other bylaw of the City regarding the Construction, occupancy or use of any Building, Structure or part thereof, and such violation has not been remedied.

- 8.5 A Building Official may:

- 8.5.1 revoke a Permit for reasons of a violation of:

- (a) a condition under which the Permit was issued;
- (b) any requirement of the Building Code or of this or another bylaw of the City;
- (c) the Permit was issued in error;
- (d) cancellation or termination of Homeowner Protection Office Registration occurs prior to finalization of Permit;
- (e) the Permit was issued based on false or incorrect information; or
- (f) the results of any tests carried out pursuant are not satisfactory to the Building Official.

- 8.5.2 deliver the revocation of such Permit by a written notice to the Owner.

### **Right of Entry**

- 8.6 Subject to Section 16 of the *Community Charter*, a Building Official has the authority to enter on or into any property at any time to ascertain whether the requirements of this bylaw are being met or has any reason to believe that an unsafe condition exists.

**Powers**

- 8.7 Subject to applicable enactments, a Building Official may, by notice in writing, require:
- (a) a person or Owner who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an Owner to stop Work on a Building or Structure, or any part thereof, if the Work is proceeding in contravention of this bylaw, the Building Code, or any other enactment of the City or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter any property to affix or post a stop Work order in the prescribed form;
  - (c) an Owner to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under any enactment;
  - (d) an Owner to remove any Building or Structure, or any part thereof, constructed in contravention of a provision of this bylaw;
  - (e) an Owner to have Work inspected by a Building Official prior to covering;
  - (f) an Owner to uncover and replace, at the Owner's expense, any Work that has been covered without inspection contrary to this bylaw or an order issued by a Building Official;
  - (g) a person to cease any use or occupancy in contravention of a provision of this bylaw;
  - (h) a person to cease any use or occupancy if any unsafe condition exists because of Work being undertaken but not complete and where the Building Official has not issued an occupancy inspection notice for the Work;
  - (i) an Owner to correct any unsafe condition; and
  - (j) an Owner to correct any Work that contravenes this bylaw, the Building Code, or any other enactment.
- 8.8 Every person served with a notice under this part must comply with that notice:
- (a) within the time ordered, or
  - (b) if no time is ordered, immediately.

## **PART 9      OWNER'S RESPONSIBILITIES**

### **Owner's Obligations**

- 9.1      Subject to Part 12 of this bylaw, every Owner must apply for and obtain a Permit, prior to
- (a)      Construction or replacement of new Buildings and Structures;
  - (b)      Additions to Buildings or Structures;
  - (c)      Interior and exterior Alterations of Buildings and Structures, including racking;
  - (d)      Construction of Foundations for, and installation of, Manufactured Homes;
  - (e)      Installation of plumbing systems;
  - (f)      Alterations and Additions to plumbing systems, including the installation of solar hot water systems;
  - (g)      Installation and Alteration of fire alarm systems and fire protection sprinkler systems;
  - (h)      Installation of Temporary Buildings, including fabric-covered structures;
  - (i)      Installation or Alteration of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;
  - (j)      Installation or Alteration of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection to systems to NFPA 664;
  - (k)      Construction, installation, Alteration, or removal of chimneys or fireplaces;
  - (l)      Installation of solid fuel burning appliances;
  - (m)      Installation of a Pool, Retaining Walls, and site grading;
  - (n)      Installation of an onsite freestanding Crane;
  - (o)      Construction, Additions, or Alterations of On-site Services for Manufactured Home parks; or
  - (p)      Construction, Additions, or Alterations of On-Site Services for campgrounds or recreation vehicle parks;
- 9.2      Every Owner shall:
- (a)      comply with the Building Code, the requirements of this bylaw, and the conditions of a Permit, and shall not omit any Work required by the Building Code, this bylaw, or the conditions of a Permit;
  - (b)      ensure that all Permits, plans, specifications, and supporting documents on which a Permit is based; all municipal inspection certificates; and all professional field reviews are available at the site of the Work for inspection during working hours of the Building Official, and that all Permits are posted conspicuously on the site during the entire execution of the Work; and



- (c) prior to the issuance of a Building Permit, execute and submit to the City an Owner's undertaking in the prescribed form, where required by the Building Official.
- 9.3 None of the issuance of a Permit under this bylaw, the review of plans and supporting documents, or inspections made by a Building Official or a registered professional shall relieve the Owner from full and sole responsibility to perform the Work in strict accordance with this bylaw, the Building Code, and all other applicable codes, standards, and enactments.
- 9.4 Every Owner shall allow a Building Official to enter any Building or premises at any reasonable time to administer and enforce this bylaw.
- 9.5 Every Owner to whom a Permit is issued shall, during Construction:
  - (a) post a civic address on the property so that it may be easily read from the public highway from which the property takes its address;
  - (b) post the Permit placard on the property so that it may be easily read from the public highway from which the property takes its address;
  - (c) provide Building Officials with safe access to the Work site and all areas requiring inspection; and
  - (d) ensure the Construction site is maintained free of loose or blowing debris and is subject to a continuous and effective program of dust control during the various phases of Construction.

### **Damage to Municipal Works**

- 9.6 Every Owner to whom a Permit is issued shall be responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the Work authorized by the Permit.
- 9.7 In addition to payment of the security deposit under City bylaws, every Owner shall be responsible for the cost of repairing and cleaning up of any damage to the City's municipal Works or property that occurs during and arises directly or indirectly from the Work authorized by the Permit. In the event of damage:
  - (a) the Owner shall pay to the City, within 30 days of receiving an invoice for same from the City and prior to Occupancy, the cost to repair any damage to public property or Works located on public property arising directly or indirectly for which a Permit was issued; and
  - (b) if the invoice for the cleanup is not paid within 30 days, the amount will be added to the Owner's property taxes.

**Notice**

- 9.8 Every Owner shall provide a written or online notice to a Building Official of the date on which the Owner intends to begin such Work at least 24 hours prior to commencing Work at a Building site.
- 9.9 Every Owner shall provide a written or online notice to a Building Official of any change in or termination of engagement of a registered professional, including Coordinating Registered Professional, during Construction, within 24 hours of when the change or termination occurs.
- 9.10 If an Owner or a Registered Professional terminates the engagement of the Registered Professional, including a Coordinating Registered Professional, the Owner shall terminate all Work under a Building Permit until the Owner has engaged a new Registered Professional, including a Coordinating Registered Professional, and has delivered to a Building Official new letters of assurance in the form of a Schedule A and or B as outlined in the Building Code.
- 9.11 Without limiting Sections 13.38 to 13.44 of this bylaw, every Owner shall provide at least 24 hours of online or written notice to a Building Official:
- (a) of intent to do Work that is required or ordered to be corrected during Construction;
  - (b) of intent to cover Work that is required under this bylaw to be, or has been ordered to be inspected prior to covering; and
  - (c) when Work has been completed so that an occupancy inspection can be made.
- 9.12 Every Owner shall provide a notice in writing to a Building Official and pay the non-refundable fee set out in the Development and Land Use Application Fees Bylaw, as amended or re-enacted from time to time, immediately upon any change in ownership or change in the address of the Owner, which occurs prior to the issuance of an occupancy Permit.
- 9.13 Every Owner shall provide such other notice to a Building Official as may be required by the Building Official or by a provision of this bylaw.
- 9.14 Every Owner shall obtain, prior to the occupancy of a Building or part thereof, written permission from the Building Official to occupy the building or part thereof, pursuant to Part 14.

**PART 10 OBLIGATIONS OF OWNER'S CONSTRUCTOR**

- 10.1 Every Constructor shall ensure that all Construction is done in compliance with all requirements of the Building Code, this bylaw and all other applicable codes, standards, and enactments.

- 10.2 Every Constructor shall ensure that no excavation or other Work is undertaken on public property and that no public property is disturbed, no Building or Structure erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 10.3 For the purposes of the administration and enforcement of this bylaw, every Constructor is responsible jointly and severally with the Owner for all Work undertaken.

## **PART 11 REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

### **Professional Design and Field Review**

- 11.1 The provision by the Owner to the City of letters of assurance in accordance with the requirements of the Building Code shall occur prior to:
- (a) the pre-occupancy site review coordinated by the Coordinating Registered Professional or other Registered Professional for a Complex Building; or
  - (b) an occupancy inspection for a Simple Building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, in which case the Owner shall provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, as outlined in the Building Code.
- 11.2 If a Registered Professional provides letters of assurance in accordance with the Building Code, they must also provide proof of professional liability insurance to the Building Official.

### **Requirement for a Registered Professional**

- 11.3 The Owner must retain a Registered Professional to provide a Professional Design and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B as referred to in the Building Code, in respect of a Permit application:
- (a) for a Complex Building, prior to the pre-occupancy site review coordinated by the Coordinating Registered Professional or other registered professional; or
  - (b) for a Simple Building, prior to an occupancy inspection in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code;
  - (c) except for garages, carports, and garden Structures, Foundation, and excavation components of new Simple Buildings and Additions greater than 55 m<sup>2</sup> to Simple Buildings in accordance with the building code for Foundation and excavation components of new Simple Buildings and additions greater than 55 m<sup>2</sup> to Simple Buildings in accordance with the Building Code;
  - (d) for a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the Building Code;

- (e) prior to Alterations to a Building, or to a structural component of a Building described in paragraph (b);
  - (f) for a Building in respect of which the Building Official determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the Building Code;
  - (g) if the building envelope components of the Building fall under Division B Part 3 of the Building Code, the Building contains more than 5 (five) dwellings, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the Building Code; and
  - (h) for a parcel of land on which a Building or Structure is proposed if the Building Official believes the parcel is or is likely to be within the flood plain , subject to flooding (including high groundwater), mudflows, debris flows, debris torrents, erosion, landslip, rock falls, subsidence or avalanche, and the requirements for a Professional Design is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
- 11.4 The Building Official may require any registered professional carrying out the Professional Design and field review required under Sections 11.1 to 11.3 to provide evidence that they have experience and expertise in respect of the Professional Design and field review of the context and scope required and at the discretion of the Building Official, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.
- 11.5 Any registered professional required by this bylaw to provide letters of assurance shall show proof of professional liability insurance at the time of Building Permit application.

### **Certified Professional Program**

- 11.6 If an Owner elects to apply for a Building Permit under the City's certified professional program, then this section 11.6 to 11.16 applies to the design and Construction of the Building, in addition to the other provisions of this bylaw
- 11.7 The Building Official may designate a registered professional as a certified professional subject to the registered professional satisfying the following:
- (a) completion of a course(s) recognized by the Building Official concerning the Building Code, this bylaw, other bylaws and applicable standards of Building design, Construction and site review; and
  - (b) demonstration of a level of competency on the matters to which section 11.7, paragraph (a) refers through examination or as otherwise directed by the Building Official.
- 11.8 A certified professional providing the City with forms of assurance, in accordance with this Part, or with letters of assurance under the Building Code, shall also provide proof of insurance in an amount and form satisfactory to the City.

- 11.9 The Building Official may cancel the designation of a registered professional from practicing as a certified professional in the City if the registered professional:
- (a) is no longer licensed as a registered professional in the Province of British Columbia;
  - (b) fails to demonstrate the level of competence required for designation;
  - (c) submits any required documentation, which is in any material way inaccurate or misleading;
  - (d) fails to disclose in a timely manner to the Building Official any significant variation or change to the design or Construction of a Building; or
  - (e) fails to satisfactorily perform any duties or obligations required by this or other bylaws.
- 11.10 The Building Official may accept a Building Permit application for processing under the City's certified professional program, if:
- (a) the Building document plans have been reviewed by the certified professional for compliance with requirements of the Building Code, relevant bylaws and standards; and
  - (b) the Permit application has been prepared as required under this bylaw and includes all required letters of assurance and any required confirmations with respect to the development and certification of Building Code coordination.
- 11.11 A certified professional shall, in respect of the development for which a Permit was issued under the City's certified professional program and, in addition to any other applicable responsibilities:
- (a) conduct a review in advance of any tenancy improvement Building Permit application or any tenancy improvement Work constructed prior to substantial completion of the shell of the Building;
  - (b) check for adequacy and acceptability of any report concerning testing and field reviews related to the development and maintain a detailed record of such reports and, if requested, make these available to the Building Official;
  - (c) advise the Building Official promptly, in writing, if any matter of design, Construction or field review does not meet the requirements of the building code, this bylaw or other applicable enactments; and
  - (d) at least once every 30 days from the date of issuance of a Permit, submit to the Building Official a written progress report together with copies of the field review reports from each registered professional involved in the development.

11.12 The Building Official may post a stop Work notice or revoke a Permit under the City's certified professional program in any of the following circumstances:

- (a) if the certified professional ceases to be retained by the Owner, resigns or is otherwise unable or unwilling to carry out field reviews or other duties related to the development for which a Permit was issued. Under such circumstances the certified professional must immediately notify the Building Official in writing of the date on which they will cease their involvement;
- (b) if the certified professional is no longer licensed as a registered professional in the Province of British Columbia;
- (c) if the certified professional fails to perform any of their duties under this bylaw; or
- (d) if a document required by this bylaw or under the City's certified professional program is not delivered by the certified professional within the time frame specified in this Bylaw.

11.13 If a Permit is revoked under section 8.5, only the Work necessary, as authorized by the Building Official, to remove any hazards or to mitigate damage arising from exposure to the elements, may be undertaken on the development unless otherwise expressly authorized in writing by the Building Official. Work on the development shall not resume until the Building Official has received written notice from a certified professional that a certified professional has been retained by the Owner for the continuation of Construction of the Building who:

- (a) has reviewed the Building and certifies that the Building, as constructed up to that point, substantially complies with the building code, this bylaw and other applicable enactments and has been constructed in accordance with the approved plans; and
- (b) will carry out the duties of the certified professional that are required in order to bring the Building to completion and to certify substantial compliance with the building code, this bylaw and other applicable enactments and that Construction will be in accordance with the previously approved plans.

11.14 Nothing in this Part relieves the Owner, or the certified professional of record for the development, from full responsibility for ensuring that the Building or Structure is in substantial compliance with the design, plans and specifications, the building code, this bylaw and other applicable enactments.

11.15 If the Building Official accepts a Permit application and assurance from a certified professional for a development, the Building Official will rely on the certifications issued by the certified professional and other registered professionals, that the drawings will meet the requirements of the building code, that the Construction substantially conforms to the design, plans and specifications and that the Construction complies with the building code, this bylaw and other applicable enactments respecting safety or protection.

- 11.16 Every provision of this bylaw and the building code that applies to a registered professional also applies to a certified professional.

## **PART 12 CONDITIONS OF PERMIT**

- 12.1 A Permit is required if Work regulated under this bylaw is to be undertaken.
- 12.2 A Building Permit or an application for a Building Permit that is in process may not be transferred or assigned until the Owner has notified the Building Official in writing, the Building Official has authorized the transfer or assignment in writing and the Owner has paid the non-refundable fee required in the Development and Land Use Application Fees Bylaw. The transfer or assignment of a Building Permit is not an extension of a Building Permit.
- 12.3 The review of plans and supporting documents and issuance of a Building Permit do not prevent the Building Official from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building Construction or occupancy being carried on when in violation of this or another bylaw.
- 12.4 The Owner shall ensure that all Work is confined within the boundaries of the property on which the Work is or is to be located and does not adversely affect adjacent properties.
- 12.5 Neither the issuance of a Permit under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way
- (a) relieve the Owner from full and sole responsibility to perform the Work in respect of which the Permit was issued in strict compliance with this bylaw, the Building Code, and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the Building Code, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
  - (c) constitute a representation or warranty that the Building or Structure meets any standard of materials or workmanship.

### **Alternative Solutions**

- 12.6 An Owner who wishes to provide an alternative solution to satisfy one or more of the requirements of the Building Code or this bylaw shall submit sufficient evidence, certified by a professional engineer, Architect or qualified person(s), to demonstrate that the proposed alternative solutions will provide the level of performance required by the Building Code or this bylaw and pay the fee specified in Development and Land Use Application Fees Bylaw.



**PART 13 PERMIT APPLICATION REQUIREMENTS FOR SIMPLE AND COMPLEX BUILDINGS**

- 13.1 Every Owner shall apply for and obtain a Permit before constructing, altering, repairing, demolishing or moving a Building or Structure.
- 13.2 The City shall provide application forms, in hardcopy or digital format, for all application processes required under this bylaw. Forms shall be adopted by the City through policy from time to time.

**Additional Permits**

- 13.3 Where required, separate Permits and inspections may be required in the following cases:
- (a) Building Move in accordance with Part 14;
  - (b) Demolition or partial demolition of Buildings in accordance with Part 15;
  - (c) Fire Alarms in accordance with Part 16;
  - (d) Commercial Kitchen Mechanical Ventilation in accordance with Part 17;
  - (e) Solid fuel-burning appliances
  - (f) Plumbing and Fire Suppression Systems in accordance with Part 18;
  - (g) Pool Permit in accordance with Part 19;
  - (h) Retaining Walls in accordance with Part 20;
  - (i) Solar Hot Water & Photovoltaic Solar Panel Systems in accordance with Part 21;
  - (j) Temporary Buildings in accordance with Part 22;
  - (k) Erecting of a Crane in accordance with Part 23.
- 13.4 Prior to an application for a Building Permit, the Owner shall satisfy the following requirements or conditions:
- (a) apply for and obtain a development Permit if the Building or Structure is in an area designated by the City's Official Community Plan as a development Permit area;
  - (b) ensure the proposed Building or Structure complies with all bylaws of the City, except to the extent a variance of a bylaw is authorized by a Development Permit, Development Variance Permit or order of the Board of Variance;

- (c) obtain the approval of an approving officer for the subdivision plan, registered with the Land Title and Survey Authority that, once registered, would create the parcel on which the proposed Building or Structure will be constructed;
- (d) provide evidence to the Building Official showing that the person applying for the Building Permit is either the Owner of the parcel that is the subject of the proposed Building Permit, or is the Agent of the Owner, in which case, the Agent must provide the name and contact information of the Owner;
- (e) address the subject property or Building in accordance with City bylaws;
- (f) show proof of application for registration or exemptions for home warranty for Projects governed under the *Homeowner Protection Act*;
- (g) apply for and obtain approval from the City and other applicable public authorities for an alternate private sewage disposal system where the parcel that is the subject of the Building Permit application is not intended to be connected to the City's sewage disposal system;
- (h) apply for and obtain approval from the City, applicable waterworks district, and other applicable public authorities for an alternate water supply system where the parcel that is the subject of the Building Permit application is not intended to be connected to the City's water system;
- (i) provide a design for an on-site stormwater drainage system where the parcel that is the subject of the Building Permit application is not connected to the City's stormwater drainage system unless the Owner applies for and obtains approval from the City to connect the City's stormwater system;
- (j) enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the Works and service if all on-site and off-site Works and services required by the City bylaws and other enactments have not been completed in accordance with the enactments.

### **Building Permit Applications for Complex buildings**

13.5 An application for a Building Permit with respect to a Complex Building shall:

- (a) be made in the prescribed form and signed by the Owner or a signing officer if the Owner is a corporation;
- (b) be made upon payment of applicable application fee as prescribed in the Development and Land Use Application Fees Bylaw;
- (c) be accompanied by the Owner's acknowledgement of responsibility and undertaking in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (d) ensure that plans submitted with a Permit application bear the name, phone number, address and email address of the designer of the building or Structure;

- (e) include a Building Code compliance summary including the applicable edition of the Building Code, such as without limitation the Building is designed under Part 3 of the Building Code, major occupancy classification(s) of the Building, building area, building height, number of streets the building faces, accessibility requirements, Work areas, washrooms, firewalls and facilities;
- (f) include a copy of a survey plan prepared by a British Columbia land surveyor except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (g) include a Construction fire safety plan, a material staging plan and a trucking route plan;
- (h) include a site plan prepared by a registered professional showing: (all dimensions are to be shown in metric and imperial measurements)
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (ii) the legal description and civic address of the parcel;
  - (iii) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of existing and proposed Buildings or Structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system, or stormwater drainage system;
  - (viii) zoning compliance summary;
  - (ix) the location, dimensions and gradient of parking and parking access;
  - (x) proposed and existing setbacks to property lines;
  - (xi) natural and finished grades in geodetic elevations at Building corners and significant breaks in the Building plan and proposed grade around the building faces in order to ascertain Foundation height;
  - (xii) on-site stormwater management plan;
  - (xiii) first storey floor elevation in geodetic elevation;

- (xiv) location, setbacks and elevations of all Retaining Walls, steps, stairs and decks;
- (xv) line of upper floors and maximum building height in geodetic elevations;
- (xvi) location and geodetic elevations of curbs, driveways, sidewalks, manholes, and service poles;
- (xvii) location and depth of existing and proposed service connections;
- (xviii) location of top bank and water courses;
- (xix) access routes for firefighting;
- (xx) accessible paths of travel from the street to the Building;
- (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a Building or Structure where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation, and
- (xxii) Where the parcel of land contains slopes in excess of 15%, and upon the request of the Building Official, be accompanied by:
  - (A) 0.5 m contours of the existing ground surface of the parcel;
  - (B) 0.5 m contours of the proposed final grading;
  - (C) the elevation of all floor areas of the Building, the location of all retaining, driveways, parking areas and other Structures on the parcel; and
  - (D) the drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and stormwater management plans;

except that the Building Official may waive, in whole or in part, the requirements for a site plan, if the Permit is sought for repair or Alteration of an existing Building or Structure;

- (i) include floor plans showing the dimensions and uses and occupancy classification of all areas, including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (j) include a minimum of two cross-sections through the Building or Structure in sufficient detail and locations to illustrate Foundations, drainage, ceiling heights and Construction systems, including thermal and building envelope assemblies;

- (k) include elevations of all sides of the Building or Structure showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the Building Code and to illustrate that the Building or Structure conforms with the City Zoning Bylaw and development Permit area guidelines;
  - (l) include cross-sectional details drawn at an appropriate scale and sufficient locations to illustrate that the Building conforms to the Building Code;
  - (m) include all other requirements of Sections 2.2.1., 2.2.3, 2.2.4, 2.2.5, 2.2.6, and 2.2.9, Division C of the Building Code;
  - (n) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal Permits, highway access Permits and Ministry of Health approvals;
  - (o) include a letter of assurance in the form of Schedule A referred to in the Building Code, signed by the Owner, or a signing officer if the Owner is a corporation, and the Coordinating Registered Professional;
  - (p) include letters of assurance in the form of Schedule B referred to in the Building Code, each signed by such registered professionals as the Building Official or Building Code may require to prepare the design for and conduct field reviews of the Construction of the Building;
  - (q) include a set of drawings, at a suitable scale, of the design prepared by each registered professional containing the information set out in (g) to (m) of this section;
  - (r) include calculations confirming proof of adequate water supply for firefighting as per Section 3.2. of the Building Code;
  - (s) include all documentation required by City procedure, as amended from time to time; and
  - (t) include Alternative Solution as per Section 12.6.
- 13.6 In addition to the requirements of Section 13.5 of this bylaw, a Building Official may require the following to be submitted with a Permit application for the Construction of a Complex Building if the complexity of the proposed Building or Structure or siting circumstances warrant:
- (a) site servicing and on-site stormwater management drawings, including sufficient detail of Off-site Services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's Bylaws;
  - (b) a section through the site showing grades, Buildings, Structures, parking areas and driveways where any slopes on the subject parcel exceed 10%; and

- (c) any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the Building or Structure.

### **Building Permit Applications for Simple Buildings**

13.7 An application for a Building Permit with respect to a Simple Building shall:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) upon payment of applicable application fee as prescribed with the City's Development and Land Use Application Fees Bylaw;
- (c) be accompanied by the Owner's acknowledgement of responsibility and undertaking in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (d) ensure that plans submitted with a Permit application bear the name, phone number, address and email address of the designer of the Building or Structure;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor except that the Building Official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (f) include a site plan showing: (all dimensions are to be shown in metric and imperial measurements)
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - (ii) the legal description and civic address of the parcel;
  - (iii) the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of existing and proposed Buildings or Structures on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - (viii) the location, dimensions and gradient of parking and driveway access;

- (ix) proposed and existing setbacks to property lines;
- (x) natural and finished grades in geodetic elevations at building corners and datum determination points;
- (xi) on-site storm water management;
- (xii) first storey floor elevation in geodetic elevations;
- (xiii) location, setbacks and elevations of all Retaining Walls, steps, stairs and decks;
- (xiv) line of upper floors and maximum building height in geodetic elevations;
- (xv) location and geodetic elevation of curbs, driveways, sidewalks, manholes and service poles;
- (xvi) location and depth of existing and proposed service connections;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) Fire flow calculations;
- (xx) accessible paths of travel from the street to the Building;
- (xxi) zoning compliance summary;
- (xxii) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a Building or Structure where the City's land use regulations or provincial flooding mapping regulations establish siting requirements related to minimum floor elevation; and
- (xxiii) where the parcel of land contains slopes in excess of 15%, and upon the request of the Building Official, be accompanied by:
  - (A) 0.5 m contours of the existing ground surface of the parcel;
  - (B) 0.5 m contours of the proposed final grading;
  - (C) The elevation of all floor areas of the Building, the location of all retaining, driveways, parking areas and other Structures on the parcel;



- (D) The drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and stormwater management plans.

except that for a Simple Building the Building Official may waive, in whole or in part, the requirements for a site plan if the Permit is sought for the repair or Alteration of an existing Building;

- (g) include floor plans showing the dimensions and uses of all areas, including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; solar-ready provisions, structural elements; and stair dimensions;
- (h) include a minimum of two cross-sections through the Building illustrating Foundations, drainage, ceiling heights and Construction systems, including thermal and building envelope assemblies;
- (i) include elevations of all sides of the Building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the Building or Structure conforms with the City of Kamloops Zoning Bylaw No. 55 and Official Community Plan Bylaw No. 46, as amended or replaced from time to time;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the Building or Structure substantially conforms to the Building Code;
- (k) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal Permits, highway access Permits and Ministry of Health approvals;
- (l) include an excavation and storm water management plan design prepared by a registered professional in accordance with the Building Code;
- (m) include geotechnical letters of assurance, in addition to a required geotechnical report, if the Building Official determines that the site conditions so warrant;
- (n) include a set of drawings at a suitable scale of design including the information set out in (f) to (i) of this section;
- (o) include a Building Code compliance summary including the applicable edition of the Building Code, such as, without limitation, the Building is designed under Part 9 and compliance with article 2.2.2.1. (2), Division C of the Building Code;
- (p) Alternative Solution as per Section 12.6; and

- (q) include all documentation required by City procedures, as amended from time to time.

13.8 In addition to the requirements of Section 13.7 of this part, if a Project involves:

- (a) two or more Buildings, the gross floor areas of which in the aggregate total more than 1000 m<sup>2</sup>;
- (b) two or more Buildings that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed Building or Structure or siting circumstances warrant, a Building Official may require the following be submitted with a Permit application for the Construction of each Simple Building in the Project:
  - (i) site servicing drawings, including sufficient detail of Off-site Services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's Bylaws;
  - (ii) a Construction fire safety, material staging and trucking route plan;
  - (iii) a section through the site showing grades, Buildings, Structures, parking areas and driveways;
  - (iv) a roof plan and roof height calculations in geodetic elevations;
  - (v) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional;
  - (vi) letters of assurance in the form of Schedule A & Schedule B referenced in the Building Code, signed by a registered professional; and
  - (vii) any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the Building or Structure.

### **Site and Location Information**

13.9 Without limiting Sections 13.5(g) or 13.7(g) of this part, the Building Official may in writing require an Owner to submit an up-to-date plan or survey prepared by a registered British Columbia Land Surveyor which contains sufficient information respecting the site and location of any Building to:

- (a) establish, before Construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the Construction, that all provisions of this and other applicable bylaws have been complied with;

- (c) in relation to an existing Building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
- (d) in relation to Construction of a new Building, or Addition to an existing Building, prior to the placement of concrete for Foundations, show the elevation at proposed top of concrete on all Building elevations and at all significant changes of elevation to substantiate its size, location and elevation, and every person served with a written requirement under this section must comply with this requirement.

### **Building Permit Fee**

13.10 Before receiving a Building Permit for a Building or Structure, the Owner must first pay to the City:

- (a) the Building Permit fee prescribed in the City's Development and Land Use Application Fees Bylaw;
- (b) the securities as prescribed in the City's Development and Land Use Application Fees Bylaw; and
- (c) any fees, fines, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the Building Permit.

### **Valuation for Permit**

13.11 The valuation of Construction set out in the application for a Permit shall be the total current monetary worth of all Construction or Work related to the Building or Structure, and shall include:

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

13.12 The Building Official may place a value on the Construction or Work for the purposes of determining applicable Permit fees by using an appropriate method from the "Marshall Valuation Services" publications with the updated "current cost multipliers," or such universal source of calculating valuation, as the Building Official deems reasonable, practical and expedient.

**Security Deposit with Building Permit**

- 13.13 An applicant for a Building Permit must pay to the City, at the time of Permit issuance, the following security deposit as prescribed within the City's Development and Land Use Application Fees Bylaw for:
- (a) Occupancy (partial)
  - (b) Building Moves;
  - (c) Demolition Permits;
  - (d) Footing / Foundation only Building Permits for Complex Projects;
  - (e) Temporary Building Permits; and
  - (f) Temporary Residence during the period of Construction.
- 13.14 The security deposit sum set out within the City's Development and Land Use Application Fees Bylaw;
- (a) covers the cost borne by the City to maintain, restore or replace any public Works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the Work referred to in any Building Permit held by the applicant;
  - (b) covers the cost borne by the City to make the site safe if the Permit holder abandons or fails to complete the Work as designated on the Permit;
  - (c) serves as a security deposit to effect compliance with any condition under which the Permit was issued; or
  - (d) Serves as the security deposit for partial occupancy when such a final inspection notice makes provisions for a security deposit.
- 13.15 The security deposit or applicable portion must be returned to the applicant, only if the applicant has requested the return of the security:
- (a) when the City is satisfied that no further damage to public Works or public lands will occur;
  - (b) when the inspections required by this bylaw are complete and acceptable to the Building Official;
  - (c) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the Building Official;

- 13.16 Any credit greater than the amount of the security deposit used by the City for the purposes described in Part 14 will be returned to the Permit holder unless otherwise so directed by the Permit holder; and any amount in excess of the security deposit required by the City to complete corrective Work to public lands, public works, or the site is recoverable by the City from the Permit holder, the Constructor or the Owner of the property.
- 13.17 If the proposed Work includes excavation or Construction on lands within 3.0 meters of Works or services owned by the City, the Owner must deliver to the Building Official a signed agreement in a form prescribed by the City under which the Owner acknowledges and agrees that any damage to municipal Works or services arising from the Construction associated with the Building Permit will be repaired by the Owner at its expense and to the satisfaction of the City's Assistant Civic Operations Director/Public Works Divisional Manager, and the Owner must deposit with the City security in accordance with Sections 13.12 to 13.15.

#### **Permit Fee Refunds**

- 13.18 No fee or part of a fee paid to the City may be refunded if Construction of the Building has started.
- 13.19 The Building Official may approve a refund of a fee or portion thereof only if plan checking has not commenced.
- 13.20 A Building Permit or other Permit fee may be partially refunded as set out in the City bylaws, only if:
- (a) the Owner has submitted a written request for a refund;
  - (b) the Building Official has certified a start has not been made on the Construction of the Building or Structure; and
  - (c) the Permit has not expired.
- 13.21 A Building Permit or other Permit fee is not refundable after the Permit has been extended under Section 13.61 of this part.
- 13.22 Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

#### **Design Modification**

- 13.23 If a Building Permit or other Permit is active and the Owner proposes modifications to the building design whereby the value of the Work does not increase or the value of the Work decreases, the Owner must pay to the City a Building Permit fee based on the plan review hourly rate set & the Building Permit fee amount based on the revised Construction value of the modifications, as set out in City's Development and Land Use Application Fees Bylaw.

**Construction Before Permit Issued**

- 13.24 The Building Permit or other Permit fee will be doubled for every Permit application where Construction commenced before the Building Official issued a Permit, to a maximum of \$10,000.
- 13.25 If Construction has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the Building Official may require tests and investigations by an independent agency at the Owner's expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a Permit.

**Expiration of Application for a Permit**

- 13.26 A Building Permit application expires 90 days from the date the application is Accepted unless the Permit is not issued or the delay is caused the City.

**Cancellation of Application**

- 13.27 When an application is cancelled
- (a) the application fee is forfeited to the City; and
  - (b) the applicant will be notified in writing confirming the cancellation of the application and that plans and related documents submitted with the application will be held for a period of 10 business days, and then destroyed.

**Confirmation of Permit Application Reviews**

- 13.28 Upon receiving a completed Permit application, the Building Official shall provide written confirmation to the Owner that the City will either issue a Permit, or refuse issuance with reasons for the denial within:
- (a) 21 working days for Simple Building Permit applications; or
  - (b) 45 working days for Complex Building Permit applications.
- 13.29 If notice is not provided within the timeframes outlined in Section 13.27 (a) or (b), the Permit fee is to be reduced as prescribed within the City's Development and Land Use Application Fees Bylaw.

**Issuance of a Building Permit**

- 13.30 Each Building, Structure or part thereof constructed on a site requires a separate Permit and shall be assessed a separate Permit fee based on the value of that Building, Structure or part thereof.

13.31 If:

- (a) a completed application in compliance with Sections 13.4 and 13.5 to 13.6 or 13.7 to 13.8, including all required supporting documentation, has been submitted;
- (b) the Owner has paid all applicable fees set out in this bylaw and the City bylaws;
- (c) the Owner or their representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the Owner has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the Owner has retained an architect if required under this bylaw;
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the Permit to be withheld; and
- (g) the Owner has provided a hazardous materials assessment and remediation compliance letter for Additions or Alterations to Buildings constructed prior to 1990;

the Building Official must issue the Permit, in the prescribed form, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the Owner that the Permit is ready to be picked up by the Owner.

**Compliance with the *Homeowner Protection Act***

13.32 If the application in respect of a Building that includes, or will include, a residential occupancy governed by the *Homeowner Protection Act*, the Building Permit must not be issued unless the Owner provides evidence under Section 30(1) of the *Homeowner Protection Act*, that the proposed Building

- (a) is covered by home warranty insurance; and
- (b) the Constructor is a licensed “residential builder” as defined in that Act.

13.33 Section 13.31 of this part does not apply if the Owner is not required to be licensed and to obtain a home warranty in accordance with Sections 20(1) or 30(1) of the *Homeowner Protection Act*.

13.34 Every Permit is issued subject to the Owner and Constructor maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the Permit.

**Issuance of Partial Permits**

- 13.35 The Building Official may issue a Permit for a portion of a Building or Structure before the design, plans and supporting documents for the entire Building or Structure have been 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 any other applicable City bylaws and the Permit fee applicable to that portion of the Building or Structure has been paid. Notwithstanding the issuance of the Permit, the requirements of this bylaw shall apply to the remainder of the Building or Structure as if the Permit for the portion of the Building or Structure had not been issued.
- 13.36 If a site has been excavated under a Building Permit for excavation issued under this bylaw and a Building Permit is not subsequently issued or a subsisting Building Permit has expired under Section 13.56, but without the Construction of the Building or Structure for which the Building Permit was issued having commenced, the Owner must fill in the excavation to restore the original gradients to the site within 60 days of being served notice by the City to do so.
- 13.37 If a Building Permit has expired and partial Construction has progressed, with no extension requested of the Building Official under Section 13.58, permanent type fencing with a privacy screen complying with the City's Zoning Bylaw, must be erected around the Building site for protection to the public.

**Sanitary Facilities during Construction**

- 13.38 During the time a Building Permit has been issued and remains valid under this bylaw, the Owner must provide on the parcel of land in respect of which the Permit has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relations to the Work referred to in the Permit, which facilities must be accessible and unlocked when not occupied while Work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a
- (a) sanitary sewer; or
  - (b) septic disposal system approved under the Public Health Act, by plumbing that complies with the Building Code and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.



**Inspections for Simple Buildings**

- 13.39 Despite the requirement for the Building Official's acceptance of the Work outlined in Section 13.41, if a registered professional provides letters of assurance, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the Construction referenced by those letters of assurance substantially conform to the design, plans and specifications and that the Construction complies with the Building Code, this bylaw and other applicable enactments respecting safety. Copies of all field reviews must be submitted to the City.
- 13.40 Despite Section 13.45 of this part, a Building Official may attend the site from time to time during Construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 13.41 A Building Official may attend periodically at the site of the Construction of Simple Buildings or Structures to ascertain whether the Work is being carried out in substantial conformance with the Building Code, this bylaw and any other applicable enactments concerning safety.
- 13.42 For all Work in respect of Simple Buildings the Owner must give notice in compliance with the City's current policies when requesting an inspection and must obtain an inspection and receive a Building Official's written acceptance of the following aspects of the Work prior to concealing them:
- (a) Pre-Construction on-site orientation - site review when required by the Building Official;
  - (b) Footings/excavation - after preparation for footings is complete, prior to placement of concrete;
  - (c) Foundation - after forms for Foundation walls are completed, the location certificate is submitted and Accepted by a Building Official, prior to placement of concrete;
  - (d) Damp proofing/drain tile/roof drains - after damp-proofing and Foundation drainage is in place, prior to backfilling;
  - (e) Sewer services - sanitary sewer service, after the sewer line is in place and under test, prior to backfilling;
  - (f) Domestic water service - after the water service lines are in place and water has been turned on, prior to backfilling;
  - (g) Plumbing under-slab - plumbing and underground fire suppression supply lines, prior to covering;
  - (h) Radon/Soil Gas Control - after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of inside of concrete Foundation walls are in place, prior to covering;

- (i) Foundation/ Under Slab Insulation – prior to backfilling Foundation walls or pouring slabs where required insulation would be covered;
- (j) Plumbing Rough-in - installation of rough-in plumbing, on-site constructed tubs or showers and tub or shower trap tests when complete and under test, prior to covering;
- (k) Framing - framing, sheathing, fire stopping, bracing, with installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such Work;
- (l) Fire Separations/fire blocking – installation of required fire separations prior to covering
- (m) Insulation Vapour / Air Barrier - insulation, air and vapour barrier, after all insulation and vapour barrier is in place but prior to interior finish being applied which conceal the Work;
- (n) Plumbing Final – all plumbing requirements for occupancy; and
- (o) Occupancy / Completion - after the health and safety aspects of the Work and the conservation, GHG emissions reduction and accessibility aspects of the Work when the Building or Structure is substantially complete, ready for occupancy but prior to occupancy.

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

- (a) Retaining Walls shall be inspected in accordance with Part 20 of this bylaw;
- (b) Moving of Building shall be inspected in accordance with the requirements of Part 14 of the bylaw;
- (c) Swimming Pools and fences shall be inspected upon completion and prior to filling the Pool with water pursuant to Part 19 of this bylaw;
- (d) On-site Services shall be inspected in accordance with Part 18 and any other inspection that may be required pursuant of this bylaw;
- (e) Manufactured Home parks, campgrounds and RV parks shall require inspections pursuant to Part 14 of this bylaw;

13.44 A Building Official will only carry out an inspection under Section 13.41 if the Owner or the Owner's Agent has requested the inspection online or in writing in accordance with this bylaw.

13.45 No person may conceal any aspect of the Work referred to in Section 13.41 of this bylaw until a Building Official has accepted it in writing.

**Complex Building Commissioning**

13.46 For Work in respect of Complex Buildings, the Owner must

- (a) give at least 48 hours online or written notice to the City when requesting a preconstruction meeting with the Building Official prior to the start of Construction, and the Owner or their Agent must ensure that the Coordinating Registered Professional, the Constructor, as well as representatives of major trades, are in attendance;
- (b) give at least 48 hours online or written notice to the City when requesting a pre-occupancy review coordinated by the Coordinating Registered Professional or other registered professional to have the Owner, the Constructor, and the registered professionals demonstrate to the Building Official and City Fire Department the compliance with the health and safety aspects of the Work, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety and the conservation, GHG emissions and accessibility aspects of the Work; and
- (c) cause the Coordinating Registered Professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the Coordinating Registered Professional, to deliver to the Building Official the Confirmation of Required Documentation described in the prescribed form, complete with all documentation in digital pdf format on a memory stick.

**Stop Work Orders**

13.47 The Building Official may direct the immediate suspension or correction of all or a portion of the Construction on a Building or Structure by attaching a stop work order notice in the prescribed form on the premises when it is found that the Work is not being performed in accordance with the requirements of the Building Code, any applicable bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.

13.48 The Coordinating Registered Professional may request, in writing, that the Building Official order the immediate suspension or correction of all or a portion of the Construction on a Building or Structure by attaching a stop work order notice on the premises. The Building Official must consider such request and, if not acted upon, must respond, in writing, to the Coordinating Registered Professional and give reasons.

13.49 If a registered professional's services are terminated, the Owner must immediately stop any work that is subject to their design or field review and the Building Official is deemed to have issued a stop work order under Section 13.46.

13.50 The Owner must immediately, after the posting of a notice under Section 13.46, secure the Construction and the lands and premises surrounding the Construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a Provincial agency and of every applicable bylaw of the City.

- 13.51 Subject to 13.46, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 13.46 until the stop work order notice has been removed by the Building Official.
- 13.52 The notice referred to in Section 13.46 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### **Do Not Occupy Notice**

- 13.53 If a person occupies a Building or Structure or part of a Building or Structure in contravention of this bylaw, a Building Official may post a Do Not Occupy Notice in the prescribed form on the affected part of the Building or Structure.
- 13.54 If a notice is posted under Section 13.52, the Owner of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease occupancy of the Building or Structure immediately and refrain from further occupancy until all applicable provisions of the Building Code and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a Building Official.

### **Inspection and Other Fees**

- 13.55 In addition to the fees required under other provisions of this bylaw, the Owner must pay the non-refundable fee set out in City Development and Land Use Application Fees Bylaw for:
- (a) a second and each subsequent re-inspection where it has been determined by the Building Official that due to non-compliance with the provisions of this bylaw or due to non-complying Work, more than one visit is required for any required inspection;
  - (b) a special inspection during the City's normal business hours to establish the condition of a Building, or if an inspection requires special arrangements because of time, location, or Construction techniques; and
  - (c) an inspection required under this bylaw which cannot be carried out during the City's normal business hours.

### **Permit Expiration**

- 13.56 Every Permit is issued on the condition that the Permit expires and the rights of the Owner under the Permit terminate if:
- (a) the Work authorized by the Permit is not commenced within 180 days from the date of issuance of the Permit unless extended under Part 12;
  - (b) Work is discontinued for a period of 180 days; or
  - (c) the Work is not completed within 24 months, subject to any extension granted by the Building Official under this bylaw, of the date of issuance of the Permit.

- 13.57 Where a Permit has expired, the Work shall cease and the Construction may be required to be removed, unless a new Permit application is made within 90 days of the expiry date of the Permit.
- 13.58 Where a Permit has expired, and a new Permit application is made, all Construction shall comply with this bylaw, the Building Code and any other City bylaws and enactments in force at the time of the new application.

### **Permit Extension**

- 13.59 Where Construction has not commenced within 180 days from the date the Permit was issued, the Building Official may extend the Permit for a period not more than 180 days from the date of expiry of the original Permit, but the Permit shall then be void if Construction has not started within 360 days from the original date of the issuance of the Permit, if:
- (a) application for the extension is made at least 30 days prior to the date of Permit expiration; and
  - (b) the non-refundable fee set out in the City's Development and Land Use Application Fees Bylaw has been paid.
- 13.60 Where Construction has commenced and has not been discontinued or suspended for a period of more than 180 days, the Building Official may extend the expiry date for the Permit for a period of time as the Building Official considers reasonable, to a maximum of one year, where the Building Official is satisfied that there exists a reasonable excuse for the delay in completing Construction, if:
- (a) application for the extension is made at least 30 days prior to the date of Permit expiration; and
  - (b) the non-refundable fee set out in the City's Development and Land Use Application Fees Bylaw has been paid.

### **Building Permit Cancellation by Owner**

- 13.61 A Building Permit, or a Building Permit application, may be cancelled by the Owner, or Owner's Agent, on delivery of written notification of the cancellation to the Building Official.
- 13.62 On receipt of the written cancellation notice, the Building Official must mark on the application, and a Permit if applicable, the date of cancellation and the word "cancelled".
- 13.63 If the Owner, or Owner's Agent, submits changes to an application after a Permit has been issued and the changes, in the opinion of the Building Official, substantially alter the scope of Work, design or intent of the application in respect of which the Permit was issued, the Building Official may cancel or amend the Permit and mark on the Permit the date of cancellation or amendment and the Work "cancelled" or "amended".

- 13.64 If a Building Permit application or Permit is cancelled, and Construction has not commenced under the Permit, the Building Official must return to the Owner any refundable fees deposited under the City's Development and Land Use Application Fees Bylaw. The Owner must return any Permit documents issued within 14 days of notification of the cancelled Building Permit & any documents submitted for a Building Permit application that has been cancelled will be held for 14 days from the date of cancellation for the Owner to pick up, after which they may be destroyed.

### **Partial Occupancy**

- 13.65 Upon written request by the Owner or Owner's Agent, a Building Official may issue a partial occupancy inspection notice for a portion of a Building or Structure under Construction when:
- (a) that portion of the Building or Structure is self-contained and provided with essential services respecting health and safety aspects of the Work, and if applicable, accessibility, GHG emissions and conservation;
  - (b) the requirements set out in Section 13.70 have been met with respect to it; and
  - (c) and security deposit fees are paid as prescribed by the City's Development and Land Use Application Fees Bylaw.
- 13.66 The Owner, developer or Constructor shall ensure that no unsafe condition exists or will exist resulting from the work being undertaken or not completed.
- 13.67 The Building Official may withhold an occupancy Permit until the Building, Structure or part thereof complies with this bylaw, the Building Code and any other applicable bylaws or enactments.
- 13.68 The Building Official may revoke an approval for partial occupancy for failure to comply with any conditions of the approval.

### **Occupancy**

- 13.69 No person may occupy a Building or Structure or part of a Building or Structure until an occupancy inspection notice has been issued by a Building Official for:
- (a) occupancy of a Building or Structure or part thereof after completion of Construction; or
  - (b) any change of class of occupancy of any Building or Structure or part thereof.

13.70 An occupancy inspection notice will not be issued unless:

- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
- (b) all aspects of the Work requiring inspection and acceptance pursuant to Sections 13.38 to 13.45 and 13.47 of this bylaw have both been inspected and Accepted or the inspections and acceptance are not required in accordance with this bylaw;
- (c) the Owner has provided to the City a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location and elevation determined in accordance with the City's land use regulations;
- (d) all other documentation required under applicable enactments has been delivered to the City; and
- (e) where any of the requirements for life and fire safety have been deemed to be satisfied by an alternative solution pursuant to provisions of the Building Code, the Owner shall submit to the Building Official, prior to use or occupancy of the Building or Structure, certification from Qualified Person(s) responsible for the alternative solution, that the Construction substantially complies with the requirements set out in the alternative solution report.

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

### **Completion**

13.72 A Completion inspection will stand for Projects such as demolition, fire alarm, commercial kitchen mechanical ventilation, plumbing and fire suppression, Pools, Retaining Walls, solar hot water and photovoltaic solar panels, Cranes, and single-wide CSA Z-240 Modular Homes.

## **PART 14 BUILDING MOVE PERMIT**

14.1 Without limiting Section 6.4 of this bylaw, no person shall relocate a Manufactured Home, Structure, Building or part thereof into the City or from one property to another within the City unless the Owner or Agent has first obtained a Building Permit for that purpose as provided for in this bylaw.

### **Application Requirements**

14.2 An application for a Building Permit with respect to a Building move Permit must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;

- (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
  - (c) provide a site plan showing:
    - (i) the location of the proposed Building and any accessory Buildings in relation to existing Buildings on the property in the form of a site plan drawn to scale;
    - (ii) distances from the proposed Building and all existing Buildings to the property boundaries;
  - (d) provide drawings showing Construction details for on-site Construction as outlined in Section 13.5 or 13.7; and
  - (e) provide written approval from the Manufactured Home Park Owner or authorized representative.
- 14.3 The relocation of Manufactured Homes factory constructed and assembled more than 30 years prior to the date of Permit application is prohibited. The year, make, model and serial numbers shall be determined by the CSA Rating Plate and/or the Province of British Columbia Mobile home Registry.
- 14.4 A Building Official may require a report from an accredited restoration company or registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a Building Permit to relocate a Manufactured Home, Mobile Home or other Building.
- 14.5 Where a Manufactured Home or Mobile Home is less than five years old, the building evaluation may be waived by the Building Official.

### **Permit Issuance**

- 14.6 The Building Official may issue a Permit for Construction involved in the moving of any Building, Structure or part thereof into or within the City when the Owner has
- (a) finalized disconnection of services;
  - (b) finalized any outstanding taxes owing and utility billing accounts to the City;
  - (c) have approval for safe route transport in the form of Schedule G as prescribed by the City's Public Works department;
  - (d) provided a hazardous assessment and clearance letter for the demolition of any existing on-site Construction for Buildings constructed prior to 1990, and
  - (e) deposited with the City a security deposit as prescribed within the City's Development and Land Use Application Fees Bylaw.



**Completion Conditions**

- 14.7 All Construction including relocations, Alterations and Additions for relocated Manufactured Homes, Mobile Homes or other Buildings shall be completed within 180 days of the date the Permit was issued.
- 14.8 If the Owner does not move the Building, Structure or part thereof for which a Permit is issued and complete Construction within the time specified in Section 14.7, the Building Official may notify the Owner in writing and direct the Owner to complete that Work within 30 days from the date of the notice.
- 14.9 If the Work is not completed within 30 days, the City or its Agent may enter, clean and tidy the site at the expense of the Owner and the costs shall be deducted from the security deposit.
- 14.10 If the Building, Structure or part thereof to be moved is located on a property in the City, then the property must be returned to a safe, clean and tidy condition within 120 days from the date of issuance of the Permit.

**PART 15 DEMOLITION PERMITS**

- 15.1 Without limiting Section 6.4 of this bylaw, a person must not demolish or partially demolish a Building or Structure without making an application and receiving a valid Building Permit.

**Application Requirements**

- 15.2 An application for a Building Permit with respect to a demolition Permit must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
  - (c) provide a site plan showing servicing locations and all Buildings / Structures indicating habitable, livable, operational floor areas for determining applicable Development Cost Charges credit;
  - (d) provide vacancy date;
  - (e) provide a hazardous materials assessment and remediation clearance letter for Buildings constructed prior to 1990;
  - (f) pay capping fees as set out in the City's bylaws governing water, electrical and sewer utilities; and
  - (g) ensure that all municipal services and other services are capped and terminated at the property line to City standards.

**Demolition Sites**

- 15.3 The following items shall be required at demolition sites to the satisfaction of the Building Official:
- (a) the demolition of Buildings and Structures shall be in accordance with Part 8 of the Building Code "Safety Measures at Construction and Demolition Sites";
  - (b) all Construction material and debris, including concrete Foundations and septic tanks are to be removed from the site;
  - (c) all services and utilities are to be disconnected at the property lines;
  - (d) the site shall be left in a clean and tidy condition within 90 days from the date of issuance of the demolition Permit;
  - (e) should demolition not have commenced by the 90-day expiry date the Building Official may at their discretion cancel the Permit by written notification. There shall be no refund for the demolition Permit and where applicable the security deposit shall be returned;
  - (f) any request to extend the 90-day time limit shall be received 30 days prior to the date of expiry. The request shall be in writing from the Owner, or Owner's Agent, and approved in writing by the Building Official; and
  - (g) where required for industrial and commercial demolition sites the Environmental Management Act shall apply.

**Delayed Demolition Requests**

- 15.4 Upon written request by the Owner or their Agent, a demolition Permit may be issued without service disconnects or hazardous materials remediation for a period of up to 180 days.

**Security for Delayed Demolitions**

- 15.5 Security deposits for demolition Permits shall be required for all delayed demolitions of Buildings or Structures requiring a Permit in an amount prescribed within the City's Development and Land Use Application Fees Bylaw:
- (a) the security deposit shall be held by the City until the site is restored to a safe and tidy condition to the satisfaction of the Building Official;
  - (b) if the Owner fails to leave the site in a clean and tidy condition to the satisfaction of the Building Official within the 90-day time limit the City or its Agents may enter, clean and tidy the site at the expense of the Owner and costs shall be deducted from the security deposit;
  - (c) if the security deposit is insufficient to cover the costs of tidying and cleaning the site the Owner shall within 30 days of invoice from the City pay the balance of the costs over the amount of the security deposit; and

- (d) if the costs are unpaid on the 31st day of December in the year on which the demolition occurred the costs shall be added to and form part of the property taxes payable as taxes in arrears.

## **PART 16 FIRE ALARM PERMITS**

- 16.1 Without limiting Section 6.4 of this bylaw, a person must not install, replace or alter a fire alarm system without making application and receiving a valid Building Permit.

### **Application Requirements**

- 16.2 An application for a fire alarm Permit with respect to any occupancy must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed with the City's Development and Land Use Application Fees Bylaw, and
  - (c) include a set of design drawings and specifications prepared by a registered professional along with letters of assurance in hard copy or in PDF digital format on a memory stick.

### **Professional Design and Commissioning**

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

## **PART 17 COMMERCIAL KITCHEN MECHANICAL VENTILATION PERMITS**

- 17.1 Without limiting Section 6.3 of this bylaw, a person must not install, replace or alter a commercial cooking system, spray booth operation or wood dust collection without making application and receiving a valid Building Permit.

### **Application Requirements**

- 17.2 An application for a commercial cooking system, spray booth operation or wood dust collection system Permit shall:
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;

- (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw; and
- (c) include a set of design drawings, prepared by a registered professional along with letters of assurance in either hard copy or PDF digital format on a memory stick.

### **Design Standards**

- 17.3 The design, installation and maintenance of a commercial cooking system, spray booth operation or wood dust collection system shall conform to:
- (a) the B.C. Building Code, Division B, Part 6 Heating, Ventilation and Air-conditioning;
  - (b) the B.C. Building Code, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting; and
  - (c) all relevant standards of the National Fire Protection Agency (NFPA) pertaining to fire suppression systems.

### **Inspections and Commissioning**

- 17.4 Where a mechanical system has been installed or altered under Permit for a commercial kitchen, spray booth or wood dust collection system, it shall not be put into use until it has been tested and accepted by the registered professional who is responsible for its design and installation, as applicable.

## **PART 18 PLUMBING AND FIRE SUPPRESSION PERMITS**

- 18.1 Without limiting Section 6.3 of this bylaw, a person must not install, replace or alter a water meter, plumbing or fire suppression system without making application and receiving a valid Building Permit.

### **Application Requirements**

- 18.2 An application for a plumbing or fire suppression Permit shall
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
  - (c) provide a set of isometric drawings where Works are not performed by a Qualified Plumber for single-family dwellings Projects; or
  - (d) provide a set of design drawings, including storm water management systems, prepared by a registered professional along with letters of assurance.

18.3 The design, installation and maintenance of plumbing and fire suppression systems shall conform to:

- (a) the B.C. Building Code, Division B, Part 7;
- (b) the B.C. Building Code, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting; and
- (c) all relevant standards of the National Fire Protection Agency (NFPA) pertaining to fire suppression systems.
- (d) Water service lines shall be installed at a minimum depth of 1.5 m (5 ft.).
- (e) Sanitary sewer service lines shall be installed at a minimum depth of 1.0 m (3.28 ft.).

### **Inspections and Commissioning**

18.4 Where a plumbing system has been installed or altered under Permit for a Simple Building, an inspection shall be requested before:

- (a) the system is covered up; and/or
- (b) the system is used.

18.5 Where a plumbing system or fire suppression system has been installed or altered under Permit for a Complex Building it shall not be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

## **PART 19 POOL PERMITS**

19.1 Without limiting Section 6.4 of this bylaw, a person must not Construct, or structurally repair, a Pool without making application and receiving a valid Building Permit.

### **Application Requirements**

19.2 An application for a Building Permit with respect to a Pool Permit must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
- (c) include a set of design drawings, site plan showing location and distance from property lines to the proposed Pool and any accessory Buildings in relation to existing Building on the property in hard copy or in PDF digital format on a memory stick;

- (d) Construction details for the Pool and the proposed method of enclosure of the Pool area; and
- (e) approval of design from the Local Health Authority having jurisdiction, if the Pool is accessible for public use.

### **Professional Design**

- 19.3 In accordance with Section 11.1 of this Bylaw, Professional Design and field reviews may be required, subject to the complexity of the design and the condition of soils where the Pool is to be located.

### **Fencing**

- 19.4 A swimming Pool must be enclosed within a fence, a Building, or a combination of fence and Building constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.5 m and no openings greater than 100 mm at their greatest dimension; and 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.
- 19.5 The fence or equivalent barrier referred to in Section 19.4 shall be of chain link type material, provided the openings do not exceed five centimetres (5 cm) and the wire is not less than No. 11 gauge, solid material with a flat vertical surface, or vertically oriented material.
- 19.6 A swimming Pool fence or equivalent temporary barrier shall be in place, inspected and approved prior to placing the water in a Pool.
- 19.7 Fences or barriers for swimming Pools are not required on properties zoned Agricultural, Future Development, Resource Extraction or Country Residential, as established by the City of Kamloops Zoning Bylaw, where the Pool is located forty-five metres (45 m) or more from the nearest property line.

### **Pool Gate**

- 19.8 Access through a fence enclosing a swimming Pool must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming Pool side of the gate.
- 19.9 All openings or gates in the fence or barrier shall be locked closed when not in use.

### **Spa or Hot Tub Lid**

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

**Below Grade Pools**

- 19.11 Every below grade Pool shall be surrounded by a non-slip walkway, designed so that the surface water shall drain away from the Pool.

**Above Ground Pools**

- 19.12 A swimming Pool which is located above ground and has vertical sides of at least 1.5m may be protected from access by fencing the access ladder to limit access, with a child-resistant self-closing and self-latching gate through the fence.

**Maintenance**

- 19.13 A person may not use or occupy a swimming Pool unless the Owner or occupier of property on or in which a Pool, spa or Hot Tub is located maintains every fence or cover required under Sections 19.4 to 19.11 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

**Leaks or Other Failures**

- 19.14 A person may not obtain a valid and subsisting Building Permit for or use or occupy a Pool without first delivering to the Building Official at the time of the Building Permit application an opinion of a registered professional that the design of the Pool will not cause or result in leaks or other failures of the Pool.

**Drainage**

- 19.15 Drainage from Pools must be discharged via sanitary sewer connection on the property or other means acceptable to the Building Official. Exceptions may be made for properties on private septic systems.
- 19.16 No direct connection shall be made between any sewer or any other drainage system and any line connected to a swimming Pool.

**Backflow Prevention**

- 19.17 No Pool shall be designed with a direct connection from the domestic water supply below the flood level of the Pool unless protected by an approved backflow prevention device.

**Public Pools**

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

**PART 20      RETAINING WALLS AND GRADES**

- 20.1 Without limiting Section 6.5 of this bylaw, a person must not Construct, or structurally repair, a Retaining Wall without making an application and receiving a valid Building Permit.

**Application Requirements**

- 20.2 An application for a Building Permit with respect to a Retaining Wall Building Permit must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
  - (c) include a set of design drawings, a site plan showing all Buildings, Structures & servicing and specifications prepared by a registered professional along with letters of assurance in hard copy or PDF digital format on a memory stick.

**Professional Design and Permit Closure**

- 20.3 A registered professional shall undertake the design and conduct field reviews of the Construction and drainage of a retaining Structure;
- (a) greater than 1.2 m in height;
  - (b) where a sequence of walls, regardless of height, are located closer than 2 horizontal to 1 vertical;
  - (c) where site drainage is impacted as determined by the City;
  - (d) where other geotechnical concerns exist as determined by the City; or
  - (e) where the Retaining Wall is supporting another Building or Structure,

**Site Safety Conditions**

- 20.4 If a Building Official determines that an unsafe condition exists as the result of the Construction of a Retaining Wall requiring a Building Permit, a guard or fence may be required.



**Finished Grades and Slope Retention**

- 20.5 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed or excavation into the natural grade on a parcel must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally, unless restrained by a Permitted Retaining Wall.
- 20.6 Retaining Walls are not Permitted to be constructed of stacked un-cemented rock or boulders or creosoted timbers.
- 20.7 No person may occupy a Building unless the finished grade complies with all applicable enactments.
- 20.8 The maximum grade for a residential driveway shall not exceed 10%.

**PART 21 SOLAR HOT WATER & PHOTOVOLTAIC SOLAR PANEL PERMIT**

- 21.1 Without limiting Section 4.3 of this bylaw, a person must not install or alter a solar domestic hot water system or photovoltaic solar panel system without making an application and receiving a valid Building Permit.

**Application Requirements**

- 21.2 An application for a Building Permit with respect to a solar panel system must
- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
  - (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
  - (c) be accompanied by plans showing the location of the proposed solar panel system in relation to existing Buildings on the property in the form of a site plan drawn to scale;
  - (d) include Construction details for the attachment of the panels to the Building and provide a sealed drawing by a registered professional to confirm that structural members of the Building are designed to accommodate the anticipated loads for solar domestic hot water systems and where photovoltaic solar systems incorporate a ballast system.
- 21.3 For hot water systems, compliance with CAN/CSA-F383-87, Installation Code for Solar Domestic Hot Water Systems, as referred to in the British Columbia Building Code is required.
- 21.4 Prior to obtaining a Permit for a photovoltaic solar panel system with connection to the BC Hydro electric grid system the Owner shall enter into a net-metering agreement with the BC Hydro and provide proof of agreement.

**Commissioning**

21.5 Prior to operating a solar panel system the Owner shall provide:

- (a) Verification from the registered professional of record, where applicable; and
- (b) For photovoltaic systems, a remote system disconnect switch location approved by BC Hydro and Kamloops Fire Rescue for shutdown in the event of an emergency.

**PART 22 TEMPORARY BUILDING PERMIT**

22.1 Subject to the bylaws of the City and order of Council, the Building Official may issue a Building Permit for the installation or placement of a Temporary Building or Structure for occupancy if:

- (a) the Permit is for a period not exceeding one year; and
- (b) the Building or Structure is located in compliance with the City's Zoning Bylaw, built in compliance with the Building Code and this bylaw, and connected, as required by enactments, to City utility services.

**Application requirements**

22.2 An application for a Building Permit for the erection or placement of a Temporary Building or Structure must be made in the form of a temporary Permit application on the prescribed form, signed by the Owner or their Agent, and must include:

- (a) plans and supporting documents showing the location and building height of the building or Structure on the parcel;
- (b) plans and supporting documents showing Construction details of the Building or Structure;
- (c) pay the application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
- (d) a statement by the Owner, or Owner's agent indicating the intended use and duration of the use;
- (e) plans and supporting documents showing proposed parking and loading spaces;
- (f) a written description of the Project explaining why the Building is temporary;
- (g) a copy of an issued development Permit, if required;
- (h) in the case of a manufactured Building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel Building must be certified in accordance with CSA Standard A660;

- (i) a report or drawing by an engineer, architect or designer confirming compliance with the Building Code, this bylaw, the City's Zoning Bylaw and other applicable bylaws;
- (j) in the case of a Temporary Building, information to comply with article 1.1.1.1(2)(f), Division C of the Building Code; and
- (k) a security as prescribed in the City's Development and Land Use Application Fees Bylaw, which may be used by the City to remove the Building after one year of the date of the occupancy inspection required under this bylaw; or
- (l) the security must be returned to the Owner if the Owner removes the Temporary Building within one year of the date of the occupancy inspection of the Temporary Building required under this bylaw.

22.3 Before receiving a Building Permit for a Temporary Building or Structure for occupancy, the Owner must pay the City the applicable Building Permit fee set out in the City's Development and Land Use Application Fees Bylaw. A Permit fee for a Temporary Building or Structure is not refundable.

## **PART 23 CRANE PERMIT**

23.1 Without limiting Section 6.3 of this bylaw, a person must not erect or use a Crane without making an application and receiving a valid Building Permit.

### **Application Requirements**

23.2 An application for a Building Permit with respect to a Crane must:

- (a) be made in the prescribed form and signed by the Owner, or a signing officer if the Owner is a corporation;
- (b) pay applicable application fee as prescribed in the City's Development and Land Use Application Fees Bylaw;
- (c) be accompanied by plans showing the location and swing of the proposed Crane location in relation to existing Buildings and properties in the form of a site plan drawn to scale.

## **PART 24 ACCESS ROUTE FOR FIRE DEPARTMENT ACCESS**

24.1 Prior to the issuance of a Building Permit for a Simple Building of multi-family or commercial occupancy under Part 9 of the Building Code, the Owner must satisfy the Building Official that the Building or Structure for which the Permit is issued will be served by a fire access route that satisfies the following:

- (a) Kamloops Fire Rescue vehicle access requirements, as amended from time to time, and
- (b) the Building Code.

**PART 25 FIRE FIGHTING WATER SUPPLY FOR PART 9 SIMPLE BUILDINGS**

25.1 Every simple Building shall be provided with adequate water supply for firefighting as described in the City's Subdivision and Development Control Bylaw No. 4-33, 2012, Schedule B – Design Criteria Manual or:

- (a) be redesigned to meet the applicable fire flow rates; or
- (b) be fully sprinklered with a sprinkler system designed with the appropriate NFPA standard and there must be assurance that the water supply pressure and quantity are unlikely to fail.

**PART 26 CLIMATIC DATA**

26.1 The climatic data for the design of Buildings in the City shall be the data listed in the current edition of Division B - Appendix C to the Building Code for Kamloops, British Columbia and the values noted in this part.

26.2 Frost protection requirements

- (a) 1.2m - Mt. Dufferin and south of the Trans Canada Highway, except Valleyview and Dallas
- (b) 600mm - Valleyview, Dallas and north of the Trans Canada Highway

26.3 Ground snow load

- (a) -  $S_s * 2.4$  kPa - Mt. Dufferin and south of Trans-Canada Highway, except Valleyview and Dallas
- (b) -  $S_s * 1.8$  kPa - Valleyview, Dallas and north of Trans-Canada Highway
- (c) -  $S_R 0.2$

**PART 27 ENERGY CONSERVATION and GHG EMISSIONS REDUCTION****Step Code Requirements**

27.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the BC Energy Step Code as outlined in the Building Code.

27.2 For a Part 9 or Part 3 Building or Structure that is designed in compliance with the applicable step of the BC Energy Step Code but where the constructed Building or Structure does not meet the performance requirements of the applicable step of the energy Step Code, the Building Official may issue an inspection note for partial occupancy, or occupancy of the Building or Structure and a Section 57 of the *Community Charter* will be registered against the property title stating that the Building or Structure has not met the design requirements for the applicable step of the BC Energy Step Code.

- 27.3 The Owner of any Building subject to a requirement under sections 27.1 or 27.2 must do the following prior to the issuance of any occupancy Permit in respect of the Building:
- (a) submit to the City a BC Energy Compliance Report – As built with all sections including section “F” completed; and
  - (b) affix one of the following home energy labels to the Building in a conspicuous location, upon or in close proximity to the electrical panel:
  - (c) an EnerGuide Rating System label
  - (d) a Passive House Certification; or
  - (e) a comparable home energy label acceptable to the Building Official.
- 27.4 Prior to receiving a Building Official’s written acceptance for subsection 13.41(m), the Owner shall submit a mid-Construction compliance report as prescribed within the Building Code.

## **PART 28      NUMBERING OF BUILDINGS**

- 28.1 Immediately upon issuance of a Building Permit governing the Construction, Alteration or repair of a Building, or prior to and during occupancy of a Building, the Owner or occupant must display the address number assigned to it by the City:
- (a) on or over the entrance to the Building or where landscaping or Structures obscure the visibility of a Building entrance from the adjacent highway, on the Building property within sight of the adjacent highway; and
  - (b) until such time as the Building is removed from the site or has been demolished.
- 28.2 Despite Section 28.1 the City’s Planning Department may renumber or alter the assigned numbers in respect of any Building or any parcel, including those already in existence or numbered.
- 28.3 Without limiting Sections 28.1 or 28.2, a Building Official must, on the issuance of a Building Permit, designate a house number or set of house numbers related to the Building authorized by the Permit; and the Owner or occupier must post the number or numbers on the site immediately after obtaining the Building Permit and keep the numbers posted in a conspicuous location at all times during Construction.
- 28.4 Without limiting Sections 28.1 through 28.3, on issuance of an occupancy Permit, the Owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the Building such that the number is visible from an adjacent highway that is not a lane.

**PART 29      TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION**

29.1 Where a temporary residence is required during the period of Construction of a new residence, the following conditions shall apply:

- (a) no more than one temporary residence shall be permitted on a lot and the lot shall be not smaller than 0.4ha (0.9884 acres);
- (b) the temporary residence may include a modular Manufactured Home or an existing single-family dwelling legally sited on the subject property;
- (c) a Manufactured Home or modular Manufactured Home that is used for a temporary dwelling shall be sited in conformity with the regulations of this bylaw and the Provincial Health Act and shall not be sited on a permanent Foundation with a basement or crawl space excavation;
- (d) the temporary residence shall be removed from the Owner's land within 30 days of the end of the period of Construction of the new residence except that the temporary residence may be converted to any non-residential use Permitted within the applicable zone subject to compliance with all other regulations of the applicable zone with respect to density and the siting, size, and dimensions of the Building;
- (e) removal of all kitchen and bathroom cabinets, plumbing fixtures, hot water tanks, furnaces, and sewer connections except that some of said facilities may be retained for home occupation and workshop purposes as determined by the Building Official;
- (f) refinishing of the exterior of the Building to portray a Building intended for the proposed use; and
- (g) completion of the conversion within 30 days of the end of the period of Construction of the new residence;
- (h) a covenant shall be registered pursuant to Section 219 of the *Land Title Act* to Permit the temporary residence during the period of Construction and to prohibit the temporary residential use from continuing after the period of Construction ends:
  - (i) the covenant shall also include an agreement by the Owner to indemnify and save harmless the City against all costs and expenses incurred by the City, in default by the Owner, in the conversion, demolition, or removal of the temporary residence, and/or legal costs incurred in pursuing such legal remedies as the City sees fit; and
  - (ii) the covenant shall be registered as a condition precedent to the issuance of a Building Permit for the new residence;

- (i) a blanket statutory right-of-way shall be granted to the City Permitting the City to enter onto the Owner's land for the purpose of converting, demolishing, or removing the temporary residence in the event that the Owner defaults; and the statutory right-of-way plan shall be registered as a condition precedent to the issuance of a Building Permit for the new residence;
- (j) an irrevocable unconditional letter of credit shall be drafted in favour of the City, to be held as security for performance by the Owner of their covenants and obligations with respect to the conversion, demolition or removal of the temporary residence:
  - (i) the amount of the letter of credit shall be 1.5 times the estimated cost of conversion, demolition, or removal of the temporary residence, which estimate shall be obtained from a qualified Building, demolition, or moving contractor; and
  - (ii) the letter of credit shall be provided as a condition precedent to the issuance of a Building Permit for the new residence.
- (k) Notwithstanding the above provisions;
  - (i) where a Manufactured Home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of \$5,000.00 may be Accepted by the Building Official.
  - (ii) where a modular Manufactured Home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of \$10,000.00 may be Accepted by the Building Official; and
- (l) for the purposes of this section, "period of Construction" shall mean the period of time commencing when a Building Permit is issued for the new residence and ending either two years from the date of issuance of the Permit or when notice of conversion, demolition, or removal is delivered to the Owner, whichever event first occurs; and the notice of conversion, demolition, or removal of the temporary residence shall be in writing and delivered from the office of the Building Official of the City.

## **PART 30      OFFENCES AND ENFORCEMENT**

### **Violations**

- 30.1 Without limiting Part 7 of this bylaw, every person who:
- (a) violates a provision of this bylaw;
  - (b) permits, suffers or allows any act to be done in violation of any provision of this bylaw; or
  - (c) neglects to do anything required to be done under any provision of this bylaw;
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution.
- 30.2 Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 30.3 Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 30.4 Every person who commences Work requiring a Building Permit without first obtaining such a Permit must, if a Stop Work Order is issued and remains outstanding for 30 days, pay an additional charge as outlined in the City bylaws.

### **Deemed Offence**

- 30.4 An Owner is deemed to have knowledge of and be liable for a violation of this bylaw and subject to the penalties under section 30.1 of this bylaw in respect of any Construction on the parcel the Owner owns and any change in the use, occupancy or both of a Building or Structure or part of a Building or Structure on that parcel.
- 30.5 No person is liable for a violation of this bylaw under Section 30.4 who establishes, on a balance of probabilities, that the Construction or change of use or occupancy occurred before they became the Owner of the parcel.
- 30.6 Nothing in Section 30.5 affects:
- (a) the City's right to require an owner to correct work that was undertaken in violation of this bylaw before that person became the owner of the parcel;
  - (b) the owner's obligation to obtain a Permit to correct work that was undertaken in violation of this bylaw before that person became the owner of the parcel; and
  - (c) the obligation of the Owner to otherwise comply with this bylaw in respect of construction or a change of use or occupancy that occurred before they became the owner of the parcel.



**Ticketing**

- 30.7 The offences in the City of Kamloops Municipal Ticket Information Bylaw, as amended or replaced from time to time, are designated for enforcement under Section 264 of the *Community Charter*.

**PART 31 UNSAFE CONDITIONS**

- 31.1 If the supply of electricity or natural gas have been disconnected due to a hazardous or potentially hazardous situation existing in the Building or Structure or part thereof, the supply of electricity or natural gas to the Building or Structure shall not be reconnected and the Building shall not be occupied until:
- (a) the Owner has applied to the Building Official for a special safety inspection pursuant to this part and has paid the required fees;
  - (b) the Building or Structure or part thereof has been inspected by the Building Official and, if considered necessary by the Building Official, by the City Fire Chief for compliance with this bylaw and any other bylaws or Provincial statutes or regulations relating to Building, electrical, gas or fire safety;
  - (c) the Owner has obtained Permits required to carry out the Works necessary to bring the Building or Structure or part thereof into compliance with the bylaws, statutes, and regulations; and
  - (d) all of the Works referred to in Section 31.1(c) have been completed and the Building or Structure has been brought into compliance with bylaws, statutes and regulations.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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MAYOR

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CORPORATE OFFICER