



DISTRICT OF PORT EDWARD

Building Bylaw No. 716

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Schedule A

A BYLAW FOR THE ADMINISTRATION OF THE BUILDING CODE

WHEREAS Division 8 of the Community Charter, SBC 2003, Chapter 26, authorizes the District of Port Edward, by bylaw to regulate, prohibit and impose requirements in relation to buildings and structures;

AND WHEREAS the Province of British Columbia has adopted a Building Code under the Building Act, SBC 2015, Chapter 2, to govern standards in respect of the construction, alteration, repair and demolition of buildings, in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

NOW THEREFORE the Council of the District of Port Edward, in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the “District of Port Edward Building Bylaw No. 716

2. REPEALS

District of Port Edward Building Bylaw # 477, 2006 is hereby repealed.

3. DEFINITIONS

In this Bylaw, the following words and terms have the meanings set out in the Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low-hazard industrial occupancy, major occupancy, medium-hazard industrial occupancy, mercantile occupancy, occupancy, owner, registered professional, and residential occupancy.

“**Agent**” includes a person representing the **owner** by designation or contract and includes a hired tradesman and contractor who may be granted permits for work within the limitations of his licence.

“**Authority**” having jurisdiction means the governmental body responsible for the enforcement of any part of any governmental regulation, code or standard, or the official or agency designated by that body to exercise such a function.

“Building Code” means the current British Columbia Building Code as adopted by the Minister pursuant to the Building Act, as amended or re-enacted from time to time.

“Building Official” includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by or retained under contract with the **District of Port Edward**, who are certified in accordance with the Building Act.

“Building Permit” means a permit issued by the **Municipality** for construction, required or issued pursuant to this bylaw.

Complex (Part 3) Building means:

(a) all buildings used for major occupancies classified as

- (i) assembly occupancies,
- (ii) care or detention occupancies,
- (iii) high hazard industrial occupancies, and

(b) all buildings exceeding 600 square meters in building area or exceeding three storeys in building height, used for major occupancies classified as

- (i) residential occupancy,
- (ii) business and personal services occupancy,
- (iii) mercantile occupancy,
- (iv) high hazard industrial occupancy

“Construct” includes to reconstruct, erect, install, repair, alter, demolish, and move.

“Construction” means the erection, alteration, addition, demolition, repair, reconstruction, removal or relocation of a building or structure, and includes the installation of a plumbing system, and includes all labour including that provided by the owner or donated voluntarily by others, site development, excavation related to the building, roofing, electrical, plumbing, drains, heating, air conditioning, interior finishes, fire extinguishing systems, elevators, services provided by registered professionals and everything attached thereto as to constitute real property.

“**Council**” means the Council of the District of Port Edward.

“**Fee**” means the fee prescribed in Schedule “**A**” attached to and forming part of this bylaw.

“**Highway**” means a road right of way, and includes municipal lanes, boulevards, streets and highways.

“**Lane**” means a public secondary access to the side or rear of a parcel.

“**Municipality**” means the **District of Port Edward** and its employees, including any **Building Official**, designated by **Council**, to administer this bylaw and or the British Columbia **Building Code**, including regulations and standards in effect pursuant to the British Columbia **Building Code**.

“**Occupancy Permit**” means a permit issued by the **Municipality** authorizing occupancy of a building or structure.

“**Owner**” means the owner of an estate in fee simple, the tenant for life under a registered life estate, the last registered holder of the last registered agreement for sale, the holder or occupier of land held in the manner referred to in Section 228 or 229 of the Community Charter; and an authorized agent for the owner.

“**Permit**” means a permit required or used pursuant to this bylaw and includes a building permit, a demolition permit, a plumbing permit, a building moving permit, a chimney permit, a fireplace permit, or a solid fuel burner permit.

“**Pool**” means a manmade water receptacle used for swimming or as a plunge or other bath, for decorative or landscaping purposes, but does not include irrigation or natural ponds not filled from domestic water sources.

“**Remote Video Inspections**” means a process in which the **Building Official** is not at the construction site, and the inspection is done remotely with the use of video and audio equipment technology.

“**Standard (Part 9) building**” means a building of three storeys or less in building height, having a building area not exceeding 600 square meters and used for major occupancies classified as

(a) residential occupancy,

(b) business and personal services occupancy,

(c) mercantile occupancy; or

(d) medium and low hazard industrial occupancy.

“**Structure**” means a construction or portion thereof of any kind, whether fixed to, supported by, or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than or equal to 1.2 meters in height.

“**Value**” means the estimated value of the work proposed to be undertaken, including materials and labour costs at market rates as determined or accepted by the **Municipality**.

“**Zoning Bylaw**” means the Zoning Bylaw of the District of Port Edward.

4. Purpose of Bylaw

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

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

4.2.1 to the protection of **owners, owner/builders** or **constructors** from economic loss;

4.2.2 to the assumption by the **Municipality** or any **building official** of any responsibility for ensuring the compliance, by any **owner**, his **agents** or any employees, **constructors** or designers retained by him, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;

4.2.3 to providing any person a warranty of design or workmanship with respect to any building or structure for which a **building permit** or **occupancy permit** is issued under this bylaw; or

4.2.4 to providing a warranty or assurance that **construction** undertaken pursuant to **building permits** issued by the **Municipality** is free from latent, or any defects.

5. Permit Conditions

5.1 A **permit** is required whenever **construction** regulated under this bylaw is to be undertaken.

5.2 Neither the issuance of a **permit** under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the **Municipality** shall in any way relieve the **owner** or his **agents** from full and sole responsibility to perform the work in strict accordance with this bylaw, the **Building Code** or other applicable enactments.

5.3 It shall be the full and sole responsibility of the **owner**, and where the **owner** is acting through an **agent**, the **agent**, to carry out the work in respect of which the **permit** was issued in compliance with the **Building Code** and this bylaw or other applicable enactments.

5.4 Neither the issuance of a **permit** under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the **Municipality** constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments have been complied with.

5.5 No person shall rely upon any **permit** as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the **building permit** is issued and his **agents** are responsible for making such determination.

6. Scope and Exemptions

6.1 This bylaw applies to the design, **construction** and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.

6.2 This bylaw does not apply to buildings or structures exempted by Division A Section 1.1 of the **Building Code** except as expressly provided herein, nor to retaining structures less than 1.2 meters in height.

7. Prohibitions

7.1 No person shall commence or continue any **construction**, alteration, reconstruction, demolition, removal, relocation or change the occupancy classification of any building or structure, including excavation or other work related to **construction** unless they have a valid and subsisting **permit** for the work as issued by the **Municipality**.

7.2 No person shall occupy or use any building or structure unless a valid and subsisting **occupancy permit** has been issued by the **Municipality**, for the building or structure, nor shall the building or structure be occupied contrary to the terms of any **permit** issued or any notice given by the **Municipality**.

7.3 No person shall occupy or use a building following a change in occupancy classification of the building or part thereof without first obtaining an **occupancy permit** from the **Municipality**.

7.4 No person shall continue to do any work upon a building or structure or any portion of it after the **Municipality** has ordered cessation of work on it or has ordered the suspension of any portion of **construction** of it.

7.5 No person shall do any work or carry out any **construction** contrary to a provision or requirement of this bylaw or the **Building Code**.

7.6 No person shall knowingly submit false or misleading information to the **Municipality**, in relation to any **permit** application or **construction** undertaken pursuant to this bylaw.

7.7 No person shall, unless authorized in writing by the **Municipality**, reverse, alter, deface, cover, remove or in any way tamper with any notice, **permit** or certificate posted upon or affixed to a building or structure pursuant to this bylaw.

7.8 No person shall do any work that is substantially at variance with the accepted design or plans for a building, structure or other works for which a **permit** has been issued, unless that variance has been accepted in writing by the **Municipality**.

7.9 No person shall obstruct, prevent or restrict the entry of the **Municipality**, onto property while engaged in the administration of this bylaw.

8. Administration of this Bylaw

8.1 Persons appointed by **Council** including **Building Officials**, may:

8.1.1 administer this bylaw; and

8.1.2 keep records of **permit** applications, **permits**, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw.

8.2 Persons appointed by **Council**:

8.2.1 may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;

8.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and

8.2.3 shall carry proper credentials confirming their status as a **building official** or designated employee; and

8.2.4 may order the correction of any work that is being or has been done in contravention of this bylaw; and

8.2.5 may order the correction of any work which they consider is being or has been improperly done under any **permit**.

8.3 **Building Officials** - Building Decisions

8.3.1 In this section, and pursuant to the Building Act of the Province of British Columbia, "exempt building professional" means

8.3.1.1 a member of a prescribed professional association, or

8.3.1.2 a person in a prescribed class of persons.

8.3.2. Pursuant to the Building Act, the **Council** must not allow or require a person to decide on behalf of the **District of Port Edward** whether a matter conforms to a building regulation, unless

8.3.2.1 the person is a qualified **building official** and the matter is within the person's current scope of practice as listed in the register, or

8.3.2.2 the person is an exempt building professional.

8.3.3. A person must not decide on behalf of the **District of Port Edward** whether a matter conforms to a building regulation, unless

8.3.3.1 the person is a qualified **building official** and the matter is within the person's current scope of practice as listed in the register, or

8.3.3.2 the person is an exempt building professional.

9. **Permit Applications & Conditions**

9.1 Every person shall apply for and obtain:

9.1.1 a **building permit** before constructing, repairing or altering a building or structure;

9.1.2 a moving **permit** before moving a building or structure;

9.1.3 a demolition **permit** before demolishing a building or structure;

9.1.4 a fireplace and chimney **permit** prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid **building permit**.

9.2 Prior to commencing any plumbing work, a person must obtain a plumbing **permit** and:

8.2.1 (if not already done) arrange for connection to District water, sanitary sewer and storm sewer services, where services are available;

8.2.2 arrange the plumbing to suit the location of the connection provided for the lot by the District; and

8.2.3 where District sanitary sewer connection is not available to the property, install a sewage disposal system approved under the Health Act Regulations.

9.3 All plans submitted with **permit** applications shall bear the name and address of the designer of the building or structure.

9.4 Each building or structure to be constructed on a site requires a separate **building permit** and shall be assessed a separate **building permit fee** based on the value of that building or structure, as determined in accordance with Schedule A attached to and forming part of this bylaw.

10. Applications for Complex Buildings

10.1 An application for a **building permit** with respect to a **complex building** shall;

10.1.1 be signed by the **owner**, or a signing officer if the **owner** is a corporation, and the coordinating registered professional;

10.1.2 be accompanied by the **owner**'s acknowledgement of responsibility and undertakings, signed by the **owner**, or a signing officer if the owner is a corporation;

10.1.3 include a copy of a title search made within 30 days of the date of the application;

10.1.4 unless waived by the **Municipality** in whole or in part where the **permit** is sought for the repair or alteration of an existing building or structure, a site plan prepared by a British Columbia Land Surveyor showing:

10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

10.1.4.2 the legal description and civic address of the parcel;

10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

10.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;

10.1.4.5 setbacks to, and elevation above, the natural boundary of any lake, swamp, pond or watercourse where the **District of Port Edward's** land use regulations establish siting requirements related to flooding;

10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the **District of Port Edward's** land use regulations establish siting requirements related to minimum floor elevation; and

10.1.4.7 the location, dimension and gradient of parking and driveway access.

10.1.5 include floor plans showing the dimensions and uses of all areas including the location, size and swing of doors, the location, size and opening of windows, the floor, wall, and ceiling finishes, the plumbing fixtures, structural elements, and stair dimensions;

10.1.6 include cross sections through the building or structure illustrating all foundations, drainage, ceiling, attic and crawl space heights and construction systems;

10.1.7 include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;

10.1.8 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**;

10.1.9 include copies of approvals required under any enactment relating to health or safety, including, without limitation, highway access permits and Ministry of Health approval;

10.1.10 include, if applicable, a copy of the **permit** issued by a Provincial Environmental Health Officer for a private sewage disposal system designed for and suitable for the proposed building or structure to be constructed on the property, accompanied by a copy of the approved plans for the sewage disposal system which shall include a site plan showing the location on the property;

10.1.11 include a letter of assurance in the form of Schedule **A**, as referred to in Division C Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the coordinating registered professional;

10.1.12 include letters of assurance in the form of Schedule B as referred to in Division C Part 2 of the **Building Code**, each signed by such registered professionals as the **Municipality** or **Building Code** may require, to prepare the design for and conduct field reviews of the **construction** of the building or structure; and

10.1.13 include three complete sets of drawings, at a suitable scale, of the design prepared by each registered professional.

10.2 In addition to the requirements of section 10.1, the following may be required by the **Municipality**, to be submitted with a **building permit** application for the **construction** of a **complex building** where the complexity of the proposed building or structure or siting circumstances warrant:

10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the **Municipality's** subdivision servicing bylaw;

10.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways; and

10.2.3 any other information required by the **Municipality** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the building or structure.

11. Applications for standard buildings

11.1 An application for a **building permit** with respect to a standard building shall;

11.1.1 state the intended use or uses of the building;

11.1.2 state the true **value** of the proposed work;

11.1.3 include a copy of a title search made within 30 days of the date of the application;

11.1.4 unless waived by the **Municipality** in whole or in part where the **permit** is sought for the repair or alteration of an existing building or structure, a site plan prepared by a British Columbia Land Surveyor showing:

11.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

11.1.4.2 the legal description and civic address of the parcel;

11.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

11.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;

11.1.4.5 setbacks to, and elevations above, the natural boundary of any lake, swamp, pond or watercourse where the **Municipality's** land use regulations establish siting requirements related to flooding;

11.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the **Municipality's** land use regulations establish siting requirements related to minimum floor elevation;

11.1.4.7 the location, dimension and gradient of parking and driveway access;
and

11.1.4.8 any and all other information necessary to establish compliance with this bylaw, the **Zoning Bylaw, Building Code** and any other applicable enactments.

11.1.5 include floor plans showing the dimensions and uses of all areas, the dimensions 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, structural elements, and stair dimensions;

11.1.6 include a cross section through the building or structure illustrating foundations, drainage, ceiling, crawl space and attic heights and construction systems;

11.1.7 include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;

11.1.8 include sealed copies of all truss design and specifications;

11.1.9 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**;

11.1.10 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal **permits**, highway access **permits**, highway access **permits** and Ministry of Health approval;

11.1.11 include, if applicable, a copy of the **permit** issued by a Provincial Environmental Health Officer for a private sewage disposal system designed for and suitable for the proposed building or structure to be constructed on the property,

accompanied by a copy of the approved plans for the sewage disposal system which shall include a site plan showing the location on the property;

10.1.12 include, unless waived by the **Municipality** in whole or in part where the **Municipality** has required a professional engineer or Geoscientist's report pursuant to section 56 of the **Community Charter** and the **permit** is issued in accordance with section 56 of the **Community Charter**, a foundation design prepared by a registered professional in accordance with Division B Part 4 of the **Building Code**, accompanied by a letter of assurance in the form of Schedule B as referred to in Division C Part 2 of the **Building Code**, signed by the registered professional; and

10.1.13 include three complete sets of drawings at a suitable scale of the design including, but not limited to, the information set out in this Bylaw.

11.2 In addition to the requirements of section 11.1, the following may be required by the **Municipality** to be submitted with a **building permit** application for the **construction** of a **standard building** where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:

11.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the **District of Port Edward's** subdivision servicing bylaw;

11.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;

11.2.3 a roof plan and roof height calculations;

11.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;

11.2.5 letters of assurance in the form of Schedules B as referred to in Division C Part 2 of the **Building Code**, signed by the registered professional;

11.2.6 a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe, which plans and specifications shall be submitted in the form and quantities required by the **building official** and shall have on them complete design and calculation criteria so that the **building official** has this information available for examination, and shall bear the name, address and telephone number of the designer;

11.2.7 a graphic isometric drawing of proposed plumbing work showing the size and location of the plumbing system and containing complete design and calculation criteria;

11.2.8 a survey of the building site by a registered British Columbia Land Surveyor whenever there is doubt as to the location of the lot lines;

11.2.9 any and all other information necessary to establish compliance with the Sewer and Water bylaw; and

11.2.10 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.

12. Revocation of a Permit

12.1 The **Municipality** may revoke a **permit** where there is a violation of:

12.1.1 a condition under which the **permit** was issued; or

12.1.2 a provision of the **Building Code**, this bylaw or other applicable bylaws or enactments.

12.2 The revocation shall be in writing and transmitted to the **permit** holder by registered mail to the address provided on the **permit** application, and shall be deemed served at the expiration of three days after the date of mailing.

13. Professional Plan Certification

13.1 The letters of assurance in the form of Schedule A and B referred in Division C Part 2 of the **Building Code**, and provided pursuant this bylaw, shall be relied upon by the **Municipality** and its **building officials**, as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and any other applicable enactments, regulations or standards.

13.2 A **building permit** issued pursuant to section 12.2 of this bylaw shall include a notice to the **owner** stating that the **building permit** is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the **building permit** comply with the **Building Code** and other applicable enactments relating to safety, and that the **Municipality** and its **building officials** will be relying upon field reviews done by the registered professional named in the schedules, and the subsequent Schedule C's upon completion of the project as certification of compliance with the **Building Code** and all other applicable enactments, standards and regulations.

13.3 When a **building permit** is issued in accordance with section 12.2 of this bylaw the **permit fee** shall be reduced by 5% of the fees payable pursuant to Schedule A attached to and forming part of this bylaw, up to a maximum reduction of \$ 500.00 (five hundred dollars), and in any event to a minimum of \$50.00 (fifty dollars)

13.4. A **building permit** issued in accordance with section 12 of this Bylaw is conditional upon the continued validity and existence of the registered professional's letters of assurance, and professional liability insurance.

13.5 In the event that a registered professional or a coordinating registered professional withdraws their provided assurances, and in the event that any such letter of assurance is withdrawn or modified, the permit shall cease to authorize the work until such time as satisfactory letters of assurance are re-established for the work.

14. Fees and Charges

14.1 In addition to applicable **fees** and charges required under other bylaws, a **permit fee**, calculated in accordance with Schedule A attached to and forming part of this bylaw, shall be paid in full prior to issuance of any permit under this bylaw.

14.2 An application made for a **building permit** shall be accompanied by the appropriate plan-processing **fee** as set in Schedule A attached to and forming part of this bylaw.

14.2.1 The plan-processing **fee** is non-refundable and shall be credited against the **building permit fee** when the **permit** is issued.

14.2.2 An application shall be cancelled and the plan-processing **fee** forfeited, if the **building permit** has not been issued and the **permit fee** paid within 180 days of the date of written notification to the **owner** that the **permit** is ready to be issued.

14.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.

14.3 The **owner** may obtain a refund of the **permit fees** set out in Schedule **A** attached to and forming part of this bylaw, when a **permit** is surrendered and cancelled before any **construction** begins, provided that:

14.3.1 the refund shall not include the plan processing **fee** paid pursuant to section 14.2 of this bylaw; and

14.3.2 no refund shall be made where **construction** has begun or an inspection has been made.

14.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule **A** attached to and forming part of this bylaw, shall be paid prior to additional inspections being performed.

14.5 In addition to any other inspection **fees**, when inspections are requested and scheduled, and the owner or **permit** holder does not attend at the site for the inspection, or the **construction** is not at the stage where it is ready for inspection, a re-inspection **fee** as set out in Schedule **A** attached to and forming part of this bylaw, plus all travel charges, shall be paid.

14.6 At the sole discretion of the **Municipality**, for a required inspection requested to be done after the hours during which the offices of the **Municipality** are normally open, an inspection **fee** shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule **A** attached to and forming part of this bylaw.

15 Building Permits

15.1 The **Municipality** may issue a **permit** for which the application is made when:

15.1.1 a completed application including all required supporting documentation has been submitted;

15.1.2 the proposed work set out in the application substantially conforms with the **Building Code**, this bylaw and all other applicable bylaws and enactments;

15.1.3 the **owner** or his **agent** has paid all applicable **fees** set out in section 14.1 of this bylaw;

15.1.4 the **owner** or his **agent** has paid all charges and met all requirements imposed by any other enactment or bylaw;

15.1.5 no enactment, covenant, agreement, or regulation in favour of , or regulation of, **Municipality** authorizes the **permit** to be withheld;

15.1.6 the **owner** has retained a professional engineer or geoscientist if required by the provisions of the Engineers and Geoscientists Act, or this Bylaw;

15.1.7 the **owner** has retained an architect if required by the provisions of the Architects Act; and

15.1.8 the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the **owner** has provide evidence pursuant to the Homeowner Protection Act that the proposed building:

15.1.8.1 is covered by home warranty insurance; and

15.1.8.2 the constructor is a licensed residential builder;

15.2 Section 15.1.8 of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with the Homeowner Protection Act. (ex: heritage home, detached patio, gazebo and similar)

15.3 Every **permit** is issued upon the condition that the **permit** shall expire and the rights of the **owner** under the **permit** shall terminate if:

15.3.1 the work authorized by the **permit** is not commenced within 6 months from the date of issuance of the **permit**; or

15.3.2 work is discontinued for a period of 12 months.

15.4 The **Municipality** may extend the period of time set out under sections 15.3.1 and 15.3.2 where **construction** has not been commenced or where **construction** has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.

15.5 The **Municipality** may issue a **building permit** for a portion of a building or structure before the design, plans and specifications for the entire building or structure has been accepted, provided sufficient information has been provided to the **Municipality** to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the **permit fee** applicable to that portion of the building or structure has been paid. The issuance of the **permit** notwithstanding, the requirements of this bylaw apply to the remainder of the building or structure as if the **permit** for the portion of the building or structure had not been issued.

15.6 When a site has been excavated under an excavation **permit** issued pursuant to section 15.5 of this bylaw and a **building permit** is not subsequently issued or a subsisting **building permit** has expired in accordance with the requirements of section 15.3, but without the **construction** of the building or structure for which the **building permit** was issued having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the **Municipality** to do so.

15.7 No **permit** shall be issued for an alteration, addition or repair to a building which is deficient in means of egress, provision of air, light and ventilation or which is structurally defective, unless that defect or deficiency is corrected at the time of the alteration, addition or repair.

15.8 No **permit** shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or re-arrangement of valves, pipes or fixtures or hot water tanks.

16 Disclaimer of Warranty or Representation

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

17 Professional Design and Field Review

17.1 When a **building official** considers that the site conditions, size or complexity of a development of an aspect of a development warrant, the **building official** may require a registered professional to provide design and plan certification and field review by means of letters of assurance in the form of Schedule B referred to in Division C Part 2 of the **Building Code**.

17.2 Prior to the issuance of an **occupancy permit** for a **complex building**, or **standard building** in circumstances where letters of assurance have been required by this bylaw, the **owner** shall provide the **Municipality** with letters of assurance in the form of Schedule C-A and C-B, as is appropriate, referred to in Division C Part 2 of the **Building Code**.

17.3 When a registered professional provides letters of assurance in accordance with this bylaw, the registered professional shall also provide proof of professional liability insurance acceptable to the **Municipality**.

18 Responsibilities of the Owner

18.1 Every **owner** shall ensure that all **construction** complies with the **Building Code**, this bylaw and other applicable enactments, standards or regulations.

18.2 Every **owner** to whom a **permit** is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work.

18.3 Every **owner** shall, where tests of any materials are required by the **building official** to ensure conformity with the requirements of this bylaw or the **Building Code**, transmit to the **building official** records of the test results.

18.4 Every **owner** shall, in all cases where it is required to conduct the waste from plumbing fixtures or trade waste to a sanitary sewer, make certain, that the sanitary sewer is at sufficient depth and capacity to receive the discharge, and also to arrange the plumbing to suit the location of the connection provided for the parcel by the **Municipality**.

18.5 Every **owner** shall, where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the **Municipality** may require to show that the proposed sewers will be laid at such depth, and in such a position as to connect the property with the building or storm sewer extension.

18.6 Every **owner** shall, in cases where the existing building or buildings are demolished, destroyed, or otherwise removed from property connected to the sanitary sewerage system or to the storm sewer system, make arrangements to the satisfaction of the **Municipal Engineer** or failing which the **Municipal Engineer** shall cap off the sanitary sewer or storm sewer connection at the property line and the owner shall be liable for the fee provided for in Schedule “A” attached to and forming part of this Bylaw.

18.7 Every **owner** shall ensure that every connection to the municipal sewer system shall be fitted with a backwater valve, being a device designed to prevent the reverse flow of sewage in a service connection, except where the **Municipality** has determined that, due to the elevation of a service connection, an actual or potential danger of a reverse sewage flow does not exist, and the **Municipality** exempts an owner from the requirement to install a backwater valve.

18.8 Every **owner** shall obtain, where applicable, a highway or street access **permit** to the real property.

18.9 Every **owner** to whom a **permit** is issued shall, during **construction**:

18.9.1 post and maintain the **permit** in a conspicuous place on the property in respect of which the **permit** was issued;

18.9.2 keep a copy of the accepted designs, plans and specifications on the property; and

18.9.3 post the civic address on the property in a location visible from the adjoining street.

18.10 Before **construction** commences, the **owner** shall;

18.10.1 determine that the building site is safe and will not be affected by flooding water caused by surfaces run-off or otherwise, or by land slip or other hazards; and

18.10.2 incorporate into the design and plans submitted for a **permit**, the climatic data in Section 24 of this Bylaw.

18.11 Before a building or demolition **permit** is issued, the **owner** shall, when required, deliver to the **Municipality** an irrevocable letter of credit or certified cheque in the amount of ten thousand dollars (\$10,000.00) or twenty five percent of the assessed building value whichever is greater, to secure payment for damage, destruction, defacement or disturbance of **Municipal** property, including installations of sewer, drainage and all utilities, roads and accesses, caused by the work for which the **permit** was issued or by a person doing the work.

18.12 The **Municipality** may apply the funds towards making good such damage, destruction, defacement, or disturbance, a shall return any balance to the **owner** when an **occupancy permit** is issued or upon completion of all demolition work.

18.13 Where, in the opinion of the **Municipality**, the nature of the work is such that it is unlikely to cause any damage, the **Municipality** may waive the requirement for a deposit.

19. Inspections

19.1 When a registered professional provides letters of assurance in accordance with this bylaw, the **Municipality** may rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the **construction** substantially conforms to the design and specifications and that the **construction** substantially

complies with the **Building Code**, this bylaw and other applicable enactments, standards and regulations.

19.2 Notwithstanding section 19.1 of this bylaw, a **Building official** may attend the site from time to time during the course of **construction** to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.

19.3 A **building official** may attend periodically at the site of the **construction** of **standard buildings** or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the **Building Code**, this bylaw and any other applicable enactments, standards or regulations.

19.4 The **owner** or his **agent** shall provide the **building official** with copies of field review reports from the registered professionals, if so requested.

19.5 Prior to inspection any repairs or alterations a certificate of location for the foundation(s), prepared by a BC Land Surveyor, may be required to be submitted to insure the placement of the building or structure is in accordance with the plans submitted and accepted.

19.6 The **owner** or his or her representative shall give at least seven (7) days notice, excluding weekends and civic holidays, to the **Municipality** when requesting an inspection, and shall obtain an inspection and receive a **building official's** acceptance of the following aspects of the work prior to concealing it:

19.6.1 footing and or foundation wall forms are in place, but prior to pouring the footings, and foundation walls;

19.6.2 installation of perimeter drain tiles, drain rock and damp-proofing, prior to backfilling;

19.6.3 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;

19.6.4 rough in of factory built chimneys and fireplaces and solid fuel burning appliances, if a separate permit has been issued;

19.6.5 the framing and sheathing, when all rough-ins for heating, electrical and plumbing are in place, the roof and roofing are in place, but prior to any exterior building paper, siding or insulation is installed, which would cover or conceal such work;

19.6.6 insulation and vapour barrier;

19.6.7 when the building or structure is substantially completed and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure.

19.7 No aspect of the work referred in section 19.6 of this bylaw shall be concealed until a **building official** has accepted it in writing.

19.8 At the sole discretion of the **Municipality**, provisions may be made to conduct **Remote Video Inspections**.

19.9 The requirements of section **19.6** of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with this bylaw, and the registered professional is responsible for providing field reviews.

20. Occupancy Permits

20.1 No person shall occupy a building or structure or part of a building or structure which is the subject of a **permit**, until an **occupancy permit** has been issued by the **Municipality**.

20.2 An **occupancy permit** shall not be issued unless:

20.2.1 all letters of assurance have been submitted when required in accordance with this bylaw.

20.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 19.6 of this bylaw have been inspected and accepted, or the inspections and acceptance are not required in accordance with section 19.9 of this bylaw.

20.2.3 certification, where applicable, is provided from a Provincial Environmental Health Officer that the private sewage disposal system installed on the property has been

completed in substantial compliance with the approved design, and is acceptable for its intended use.

20.3 The **Municipality** may issue an partial **occupancy permit** for part of a building or structure when the part of the building or structure is self-contained, provided that essential services and the requirements set out in section 20.2 of this bylaw have been met with respect to it.

20.4 Prior to the issuance of a partial **occupancy permit**, the owner shall pay the **Municipality** a **fee** equivalent to ten (10%) percent of the value of the remaining **construction**, and undertakes to complete it within six (6) months of the issuance of the partial **occupancy permit**.

20.5 Upon the expiration of six (6) months after the issuance of an partial **occupancy permit**, if the remaining **construction** has been completed, the **fee** paid under section 20.4 shall be refunded to the **owner** without interest, and if construction has not been completed, the **fee** shall become the property of the **Municipality**.

21. General Duties of the Owner Before Construction

21.1 An **owner** of real property shall:

21.1.1 permit the **Municipality** to enter his building or premises at any reasonable time for the purpose of inspections;

21.1.2 obtain from the **Municipality**, or other authority having jurisdiction where applicable, **permits** relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy , swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of the work;

21.1.3 when required by the **Municipality**, give at least 48 hours notice to the **Municipality**, of the intention to start work on the construction site;

21.1.4 obtain elevation and **construction** requirements relative to Provincial Flood Plain Restrictions from the Ministry of Environment;

21.1.5 within fifteen (15) days after completing or occupancy of a building, place or cause to be placed on or over the entrance to the building or premises the number (address) as assigned on the **building permit**, and in accordance with the specifications of the **Municipality**; and

21.1.6 not place nor maintain, nor **permit** on any building or premises, a building number other than required under the provisions of this bylaw.

21.2 Neither the granting of a **permit** nor the acceptance of plans and specifications, nor inspections made by or on behalf of the **Municipality**, shall in any way relieve the **owner** from full responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and all other applicable enactments.

22. Temporary Occupancy of Highways – Refer to Traffic Bylaw

23. Fences and Walkways

23.1 If, in the opinion of the **Municipality**, a fence or covered walkway is necessary for the protection and safety of the public during the **construction** or maintenance of a building, it shall be erected in accordance with Section 23 of this bylaw and Division B Part 8 of the **Building Code**.

23.2 In a commercial zone, a closed board fence is required not less than 1.83 metres in height and at a distance beyond the street line directed by the **Municipality**.

23.3 A covered walkway shall be a minimum of 1.22 metres in width and shall be equipped with red warning lights to warn of its existence to approaching pedestrians or traffic.

23.4 No fence or covered walkway shall be erected in such a way as to obstruct direct access to any fire hydrants, catch basins, fire alarm boxes, letter boxes or to obstruct light from street lamps. Nor shall the fence or covered walkway obstruct any traffic signs or lights.

24. Climatic and Seismic Data

24.1 Climatic and seismic data for the design of buildings and structures in the **Municipality** shall be as established in Division B Appendix C of the **Building Code**.

24.2 The Climatic and Seismic Design Data for Port Edward, shall be as established for Prince Rupert.

25. Essential Services

25.1 No **permit** for the **construction** of any residential, commercial or industrial building shall be issued unless the following essential services are provided for.

25.2 Highway Access

A highway within a dedicated road allowance of sufficient strength, grade and width is available to provide ready access to the property by fire and emergency vehicles at all times.

25.3 Watermain

A public water service or other source of supply of water approved by the Medical Health Officer is available for the building or structure unless water is not required for the particular use of a building or structure.

25.4 Sewer

A public sewer or other approved method of sewage disposal has been installed to service the building or structure.

25.5 Storm Drain

An approved method of storm drainage disposal has been installed to service the building or structure.

25.6 Access to Driveway

A driveway of sufficient strength, grade and width for access from the highway to all buildings by fire and emergency vehicles, when required in accordance with the **Building Code**.

26. Fireplace and Chimney Regulations

26.1 No person shall construct or install a fireplace or chimney without first obtaining a **permit** from the **Municipality**.

27. Building Moves

27.1 No person shall move or cause to be moved, any building or structure into the **Municipality**, or from one parcel to another in the **Municipality** without first obtaining a **permit** to carry out such move and to site the building on the parcel to which it is to be moved.

27.2 The following conditions apply to the issuance of a Moving **permit** under this Section if the building to be moved is residential:

27.2.1 applications for building moves shall be brought before the **Council** for its information, and shall include photographs showing all four sides of the building; and

27.2.2 the building shall either meet the requirements of the current **Building Code** prior to its move, or be rehabilitated to current **Building Code** requirements within six (6) months from the issuance of the **permit** to move.

27.3 The following conditions apply to all buildings in respect of which an application to move has been made:

27.3.1 the floor area of the building to be moved shall be equal to or greater than the minimum floor area requirements for the parcel to which it is to be moved and, when located on that parcel, the building shall comply with all setbacks and siting requirements applicable to that parcel; and

27.3.2 the application for a **permit** to move shall be accompanied by detailed plans and specifications of the proposed relocation and rehabilitation of the building and by an irrevocable letter of credit or a certified cheque in the amount of TEN THOUSAND (\$10,000.00) DOLLARS or 25% of the value of the building which ever is greater, payable to the **Municipality**.

27.3.3 The letter of credit may be drawn upon by the **Municipality** in an amount sufficient to complete the work specified in the plans submitted if the work is not completed in its entirety within twelve (12) months from the date of issuance of the **permit** to move, and the deposit or any balance thereof remaining in the hands of the **Municipality** may be returned to the depositor after an **Occupancy Permit** in respect of the work has been issued.

27.4 No person shall move any building into the **Municipality** for the purpose of erecting the same on any land therein, nor move any building from one parcel of land to another within the **Municipality**, having an assessed value of less than 90% of the average assessed value of all improvements within a radius of one hundred and fifty two (152 m) metres of the parcel upon which it is proposed by that person to locate the building.

28. POOLS

28.1 An application for a **permit** for the **construction** of a pool shall be accompanied by a Plan showing the location of the proposed pool, and all water supply piping, waste piping, appurtenances and fencing. The outfall for the disposal of waste water shall be approved before the **permit** is issued.

28.2 The following conditions apply to pools.

28.2.1 A swimming pool shall be enclosed with a fence not less than 1.2 m in height, and constructed in such a manner that it does not provide or afford footholds or grips from the outside for climbing.

28.2.2 Any gate in the fence shall be self closing and self latching, and the latch shall be on the inside of the enclosure and shall be maintained in working order at all times.

28.2.3 The location of a swimming pool shall meet the setback to front and side property line requirements, and provisions of the **Zoning Bylaw** of the **Municipality**.

28.2.4 No swimming pool shall be located less than 3.1 m from any rear lot line.

28.3 For the purposes of this Section "**Swimming Pool**" shall include any constructed pool used or intended to be used for swimming, bathing, or wading, which is over 61 cm in depth and has a surface area exceeding 14 m² .

29. RETAINING WALLS

29.1 A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.2 meters in height, and shall provide letters of assurance as specified in Division C Part 2 of the **Building Code**. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.2 meters in height along with a schedule C-B, shall be submitted to the **Municipality** or **Building official** prior to acceptance of the works.

30. Temporary Building

30.1 Subject to compliance with other applicable bylaws, the **Municipality** may issue a **permit** for the erection or placement of a temporary building if the **Building official** is satisfied that the building is safe for the stated use and duration.

30.2 The word "**Temporary**", as used in this subsection, shall mean a period not exceeding twelve (12) months.

30.3 Applications for a **permit** to **construct** a temporary building shall be made in writing to the **Municipality** accompanied by:

30.3.1 plans showing the location of the building on the site and **construction** details of the building;

30.3.2 a statement of the intended use and duration of the use; and

30.3.3 an irrevocable letter of credit or certified cheque in the amount of ONE THOUSAND (\$1,000.00) DOLLARS or 25% of the building value, whichever is greater, to guarantee that the building will be removed entirely and the site left in a safe and sanitary condition when the permit has expired.

31. Penalties and Enforcement

31.1 Any person who:

31.1.1 violates a provision of the **Building Code** or of this Bylaw;

31.1.2 causes, suffers or allows an act or thing to be done in contravention of or in violation of the **Building Code** or this Bylaw;

31.1.3 neglects or refrains from doing anything required to be done by the **Building Code** or this Bylaw;

31.1.4 carries out, suffers, causes or allows to be carried out any **construction** in a manner prohibited by or contrary to the **Building Code** or this Bylaw; or

31.1.5 fails to comply with an order, direction or notice given under this Bylaw;

31.1.5.1 commits an offence and is liable on conviction to a fine and penalty not exceeding TWO THOUSAND (\$2,000.00) DOLLARS or to imprisonment for not more than six (6) months.

31.2 Each day that a violation of the provisions of this Bylaw is permitted to exist, shall constitute a separate offence.

31.3 The **Municipality** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work Order.

31.4 The **owner** of any property on which a Stop Work Order has been posted, and every other person, shall cease all **construction** work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by the **Municipality**.

31.5 Where a person occupies a building or structure or part of a building or structure in contravention of Section 7 of this bylaw, the **Municipality** may post a Do Not Occupy notice, on the affected part of the building or structure.

31.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by the **Municipality**.

31.7 Every person who commences work requiring a **permit** without first obtaining such a **permit** shall, if a Stop Work Order is issued, pay an additional administration fee equal to 25% of the **building permit** fee prior to obtaining the required **building permit**.

32 Severability

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

32.2 Throughout this bylaw when the context implies, wherever the masculine is used the feminine applies, and wherever the singular is used the plural applies, and vice versa.

READ a first time this 10th day of November, 2020;

READ a second time this 24th day of November, 2020

READ a third time this 23rd day of March, 2021

RECONSIDERED AND ADOPTED THIS 13th day of April, 2021

Knut Bjorndal, Mayor

Polly Pereira, Director of Corporate
Administrative Services

Certified a true copy of bylaw April 13th, 2021 cited as "District of Port Edward Building Bylaw No. 716"

SCHEDULE A

1 Permit Fees

(1) Building Permit Fees

The fees payable for a Permit for construction, reconstruction, erection, addition, extension, alteration and repair of any building or any other work requiring a Permit and not specifically listed here shall be based on the value as follows:

- \$500.00 or less - \$50.00
- \$500.00 - \$1,000.00 - \$100.00
- For each additional \$1,000.00 or part thereof above \$1000.00 up to \$10,000.00 - \$8.00 per thousand
- For each \$1,000.00 or part thereof by which the cost exceeds \$10,000.00 up to \$100,000.00 - \$6.00 per thousand
- For each \$1,000.00 or part thereof by which the cost exceeds \$100,000.00 - \$4.00 per thousand
- Minimum Fee - \$50.00

(2) Related Building Permit Fees

- Separate Chimney/Fireplace construction - \$100.00
- Demolition Permit - \$100.00
- Moving Permit - \$100.00
- Temporary Building Permit - \$100.00
- Single-wide or Double-wide Manufactured Home Placement \$250.00**
- Single-wide or Double-wide, Manufactured Home Placement in Manufactured Home Park - \$250.00**
- Building Permit Renewal - \$50.00 or 25% of original permit fee ,whichever is greater
- Minimum Inspection Fee (ie: Insurance purposes) - \$250.00
- Reinspection Fee - \$250.00

** Plus fees based on construction values of new work on-site such as: foundations, basements, additions and plumbing.

(3) Plumbing Permit Fee

- First fixture - \$75.00
 - Each additional fixture - \$15.00
 - Minimum Fee - \$75.00

Where the fee payable is determined by the value of proposed work, that value shall be reviewed and assessed by the Municipality.

(4) SERVICES CONNECTION FEES - *Refer to Water and Sewer Rate Bylaws*

5. OTHER FEES

(1) Street Occupancy Fees: - **Refer to Traffic Bylaw**

(2) Plan Processing Fee Required by Section 13.2
-10% of the total permit fee based on the value of the project and as per section 1 of this schedule.

(3) Capping Off Fee

- Sanitary Sewer \$200.00
- Storm Sewer \$200.00