

DISTRICT OF SPARWOOD

BUILDING BYLAW 1012, 2009



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DISTRICT OF SPARWOOD

BYLAW 1012

A Bylaw for the administration and enforcement of the Building Code, regulate construction, repair or demolition of buildings and structures and to provide for fees for permits and inspections

WHEREAS the *Community Charter* and *Local Government Act* authorize the District of Sparwood, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by Bylaw;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair 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 Municipal Council of the District of Sparwood, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited for all purposes as the “***Building Bylaw 1012, 2009***”;

2. DEFINITIONS

For the purpose of this Bylaw, the following words and expressions shall have the meaning attributed to them and where a word or expression is not defined below, it shall have the meaning, if any, attributed to it in the Building Code;

Authorized Agent (representative) means a person(s) designated or appointed by the registered owner(s) to act on behalf of the registered property owner(s).

Council means the Council of the District of Sparwood.

Building Code means and includes all regulations and amendments enacted by the Minister pursuant to section 692(1) of the *Local Government Act*, as amended or re-enacted from time to time.

Building Official includes Building Inspectors, Plan Checkers, Plumbing Inspectors and Bylaw Enforcement Officers employed or contracted by the District of Sparwood from time to time to administer this Bylaw.

Complex 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 metres in building area or exceeding three stories in building height used for major occupancies classified as:
 - (i) residential occupancies,
 - (ii) business and personal services occupancies,
 - (iii) mercantile occupancies,
 - (iv) medium and low hazard industrial occupancies.

Construct means erect, repair, alter, add, demolish, remove, excavate and shore.

Construction means erection, repair, alteration, enlargement, addition, demolition, removal and excavation.

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and Part 9 of the *Building Code*.

Land includes the surface of water but does not include improvements, mines or minerals belonging to the Crown, or mines or minerals for which title in fee simple has been registered in the Land Title Office.

Real property means *land*, with or without improvements so affixed to the *land* as to make them in fact and law a part of it.

District means the *District of Sparwood*.

Standard Building means a building of three stories or less in building height, having a building area not exceeding 600 square metres and used for major occupancies classified as:

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

Structure means anything built, placed or constructed that is fixed to, sunk into or supported by the soil or another structure, excluding signs, fences, paved surfaces and retaining walls less than 1.5 metres in height.

Swimming pool means any structure or construction intended primarily for recreation that is or is capable of being filled with water to a depth of 600mm (2 feet) or greater. A swimming pool excludes factory built hot tubs serving single and two-family dwellings.

3. PURPOSE OF BYLAW

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

3.2 This Bylaw has been enacted for the purpose of regulating construction within the boundaries of the District in the general public interest. The activities undertaken by or on behalf of the District pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot-checking function for 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:

- (a) to the protection of owners, owner/builders or constructors from economic loss;
- (b) to the assumption by the District or any Building Official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by him or her, with the Building Code, the requirements of this Bylaw or other applicable enactments respecting safety;
- (c) to providing any person a warranty of design or workmanship with respect to any building or structure or plumbing system for which a building permit or occupancy permit is issued under this Bylaw;
- (d) to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the District is free from latent, or any defects.

4. PERMIT CONDITIONS

4.1 A permit is required whenever work regulated under this Bylaw is to be undertaken.

- 4.2 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 District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code and or other applicable enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) 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 respecting safety.
- 4.4 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 District constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 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 or her representative are responsible for making such determination.

5. SCOPE AND EXEMPTIONS

- 5.1 This Bylaw applies to the design, construction and occupancy of new buildings, structures and plumbing systems, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings, structures and plumbing systems, including any work being done pursuant to an order to eliminate an unsafe condition in a building.
- 5.2 (a) This Bylaw does not apply to:
 - (i) buildings, structures or plumbing systems exempted by Part 1 of the Building Code except as expressly provided herein;
 - (ii) retaining structures less than 1.5 metres in height; or
 - (iii) the repair or replacement of a valve, faucet, fixture or sprinkler head, or stoppage cleared or a leak repaired in a plumbing;
- 5.3 The Chief Inspector of Mines has the sole responsibility for administration and enforcement of the Building Code in respect of all buildings and structures used at a mine, as defined in the *Mines Act* of the Province of British Columbia.

6. PROHIBITIONS

- 6.1 No person shall, unless exempted by this Bylaw or any enactment:
 - (a) commence or continue any work provided for in Section 5.1 or related to a building unless a valid and subsisting permit has been issued by the Building Official;
 - (b) occupy or use any building or part thereof contrary to the terms of any permit, notice or certificate given by the Building Official;
 - (c) unless authorized by the Building Official, alter, deface, cover, remove, or in any way tamper with any notice or certificate posted upon or affixed to any building pursuant to any provisions of this Bylaw;

- (d) do any work that is at variance with the description, plans, specifications for the building, structure, work or thing for which a permit has been issued, unless such change has been approved by the Building Official;
- (e) interfere with or obstruct the entry of the Building Official acting in the conduct of administration of this Bylaw;
- (f) fail to comply with any order or notice issued by the Building Official;
- (g) excavate or fill any building site in the absence of a valid permit; or
- (h) install, or allow to be installed, within a building or structure, a new or replacement solid-fuel burning appliance, furnace or boiler which is used for the space heating of a building, the heating of water or other such purpose unless it meets the emissions standards or equivalent of CAN/CSA-B415.1 standard "Performance Testing of Solid-Fuel Burning Heating Appliances" published by the Canadian Standards Association (CSA) as amended from time to time or the emissions standards of the "New Source Performance Standards, Title 40, Part 60, Sub-Part AAA of the Code of Federal Regulations (USA) (7-1-92 Edition), published by the United States Environmental Protection Agency (EPA) as amended from time to time.

7. FORMS AND DOCUMENTS

7.1 The Director of Planning and Engineering Services shall:

- (a) administer this Bylaw and prescribe the form of permits, permit applications, notices and orders, except to the extent that the form or notice is prescribed by this Bylaw;
- (b) 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 or digital copies of such documents;
- (c) be designated by Council as a Building Official for the purposes of enforcing this Bylaw.

7.2 A Building Official:

- (a) may enter any land, building, structure, or premise at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;
- (b) 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
- (c) shall carry proper credentials confirming his or her status as a Building Official.
- (d) shall establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a building, structure or plumbing system for which a permit is sought under this Bylaw substantially conform to the requirements of the Building Code.

7.3 A Building Official may:

- (a) order the correction of any work that is being or has been done in contravention of this Bylaw.

- (b) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, devices, construction or foundation meets the requirements of this Bylaw. The records of such tests shall be kept available for inspection during the construction of the building or structure.

8. APPLICATIONS

8.1 The application for a building permit shall:

- (a) be made in the form prescribed by the Director of Planning and Engineering Services;
- (b) be signed by the owner or authorized agent;
- (c) state the intended use of the building.

8.2 Except as outlined in Section 5.2, every person shall apply for and obtain:

- (a) a building permit before:
 - (i) constructing, repairing or altering a building, structure, plumbing system, swimming pool fence, fireplace, chimney or solid fuel appliance; or,
 - (ii) changing an occupancy
- (b) a moving permit before moving a building or structure;
- (c) a demolition permit before demolishing a building or structure;
- (d) an excavation permit before excavating to construct a building or structure.
- (e) a plumbing permit prior to installation of any plumbing;

8.3 All plans submitted with permit applications shall bear the name and address of the designer of the building, structure or plumbing system.

8.4 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 Appendix A of this Bylaw.

9. APPLICATIONS FOR COMPLEX BUILDINGS

9.1 When required by a Building Official, an application for a building permit with respect to a Complex Building shall:

- (a) be signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
- (b) be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form attached as Appendix B to this Bylaw, signed by the owner, or a signing officer if the owner is a corporation;
- (c) include a copy of a title search made within 30 days of the date of the application complete with copies of all easements, statutory right of ways, covenants and building schemes registered on title;
- (d) include a site plan prepared by a British Columbia Land Surveyor showing:

- (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 all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District's land use regulations establish siting requirements related to flooding;
 - (vi) 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's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;
- (i) the Building Official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
- (e) include floor plans showing the dimensions and uses of all areas; 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; structural elements; and stair dimensions.
 - (f) include a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - (g) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building, structure or plumbing system substantially conforms to the Building Code;
 - (i) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (j) include a letter of assurance in the form of Schedule A as referred to in section 2.6 of 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.
 - (k) include letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of 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 or structure; and
 - (l) include two sets of stamped drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 9.1.(e) (f) (g) and (h) of this Bylaw;

- 9.2 In addition to the requirements of section 9.1, the following may be required by a Building Official to be submitted with a building permit application for the construction of a Complex Building where the complexity of the proposed building or structure or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the District's Subdivision Servicing Bylaw;
 - (b) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - (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.

10. APPLICATIONS FOR STANDARD BUILDINGS

- 10.1 When required by a Building Official an application for a building permit with respect to a Standard Building shall:
- (a) be signed by the owner, or a signing officer if the owner is a corporation;
 - (b) be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form attached as Appendix B to this Bylaw, signed by the owner, or a signing officer if the owner is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application complete with copies of all easements, statutory right of ways, covenants and building schemes registered on title;
 - (d) if available survey information is not adequate to permit the Building Official to determine with sufficient certainty that the location of the proposed building or structure is in accordance with this Bylaw and other applicable Bylaws, include, a site plan prepared by a British Columbia Land Surveyor showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address (if applicable) of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District's land use regulations establish siting requirements related to flooding;
 - (vi) 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's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;

- (e) include floor plans showing the dimensions and uses of all areas: 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; structural elements; and stair dimensions.
 - (f) include a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - (g) include elevations of all sides of the building or structures showing finished details, roof slopes, windows, doors, and finished grade;
 - (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building, structure or plumbing system substantially conforms to the Building Code;
 - (i) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (j) include a foundation design prepared by a registered professional in accordance with section 4.2 of Part 4 of the Building Code, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional; and
 - (k) include two sets of drawings at a suitable scale of the design including the information set out in sections 10.1.(e)(f)(g)(h) and 10.1.(j) of this Bylaw.
- 10.2 The requirements of section 10.1.(j) may be waived by a Building Official in circumstances where the Building Official has required a professional engineer's report pursuant to section 56(2) of the *Community Charter* the building permit is issued in accordance with sections 56(4) and 56(5) of the *Community Charter*.
- 10.3 The requirements of section 10.1.(j) may be waived by a Building Official if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with section 9.4.4 of Part 9 of the Building Code and the foundation excavation substantially complies with section 9.12 of Part 9 of the Building Code.
- 10.4 In addition to the requirements of section 10.1, the following may be required by a Building Official to be submitted with a building permit application for the construction of a Standard Building where the project involves two or more buildings, which in the aggregate total more than 1000 square metres, 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:
- (a) a roof plan and roof height calculations;
 - (b) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - (c) letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional; and
 - (d) 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 structure or plumbing system.

11. PROFESSIONAL PLAN CERTIFICATION

- 11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in section 2.6 of Part 2 of the Building Code and provided pursuant to sections 9.1.(k), 10.1.(j), 10.4.(c), and 15.1 of this Bylaw are relied upon by the District and its Building Officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety.
- 11.2 A building permit issued for the construction of a Complex Building, or for a Standard Building for which a Building Official required professional design pursuant to section 10.4.(b) and letters of assurance pursuant to section 10.4.(c) of this Bylaw shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.
- 11.3 When a building permit is issued in accordance with sections 10.1 (j) and 11.2 of this Bylaw the permit fee shall be reduced by 10% of the fees payable pursuant to Appendix A to this Bylaw.

12. FEES, CHARGES AND SECURITY DEPOSIT

- 12.1 In addition to applicable fees and charges required under other Bylaws, a permit fee, calculated in accordance with Appendix A to this Bylaw and all other deposits, security and charges set out in this Bylaw, shall be paid in full prior to issuance of any permit under this Bylaw.
- 12.2 A plan processing fee, for all new construction with a value as established of more than \$50,000.00, calculated as follows, shall accompany an application for a building permit:
- (a) the plan processing fee for a building permit or structure with a construction value as established between \$50,000 and \$200,000 shall be \$100.00;
 - (c) the plan processing fee for a building or structure with a construction value as established of greater than \$200,000 shall be \$400.00;
- 12.3 the plan processing fee is non-refundable and shall be credited against the building permit fee when the Permit is issued.
- 12.4 (a) Security in the form of cash or an irrevocable letter of credit is required for the repair of a highway, sidewalk, boulevard, public work or other municipal property that has been altered or damaged by an activity related to the subject matter of the building permit during building construction and site development, as follows:
- (i) new single family and two family building permits: \$1,000
 - (ii) multiple family, commercial and industrial building permits: \$5,000
- (b) Upon final inspection by the Building Official, including receipt of all letters of assurance, where applicable, and upon certification by the Building Official that no damage has occurred as a result of the work, and that no fees remain outstanding, the District shall return the deposit to the owner.
- (c) in the event that damage which is the owner's responsibility is not resolved by the owner prior to issuance of the Occupancy Certificate, or within such other time limit set by the Building Official, and the damage requires a contractor or District work crews to resolve, the costs so incurred by the District shall be deducted from the security deposit, if a

- security deposit was required. Any costs not paid before December 31st of the calendar year may be added to that year's property taxes.
- (e) The District may apply the security deposit to non-payment of fees including re-inspection fees.
 - (f) At the sole option of the Director of Planning and Engineering, or as an alternative to the procedure set out in paragraph (c) above, the owner may be permitted to make good the damage within the time and in accordance with standards set by the Director of Planning and Engineering and under this option, the deposit shall be held by the District until the Director of Planning and Engineering certifies that the work has been substantially completed in accordance with the applicable standards, at which time the deposit shall be returned to the owner.
 - (g) Nothing in this Section shall bar the District from claiming, suing and recovering damage in excess of the deposit;
 - (h) Any deposit unclaimed upon expiry of a permit may be transferred to general municipal revenue for the current year.
- 12.4 When an application is cancelled the plans and related documents submitted with the application may be destroyed or returned to the applicant.
- 12.5 An application shall be cancelled and the plan processing fee forfeited if the Permit has not been issued and the Permit fee paid within 180 days of the date of the first notification to the owner that the Permit is ready to be issued.
- 12.6 When an application is cancelled, the plans and related documents submitted with the application may be destroyed.
- 12.7 The owner may obtain a refund of the Permit fees by requesting in writing, when a permit is surrendered and cancelled within 6 months of the Permit being issued and before construction begins. The refund shall not include the plan processing fee.
- 12.8 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 Appendix A to this Bylaw shall be paid prior to additional inspections being performed.
- 12.9 For a permit inspection requested to be done after the hours during which the offices of the District are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time.

13. BUILDING PERMITS

- 13.1 When:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the proposed work set out in the application substantially conforms with the Building Code, this Bylaw and all other applicable Bylaws and enactments;
 - (c) the owner or his or her representative has paid all applicable fees set out in this Bylaw;
 - (d) the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or Bylaw;

- (e) no enactment, covenant, agreement, or regulation in favour of, or regulation of the District authorizes the permit to be withheld;
- (f) the owner has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*; and
- (g) the owner has retained an architect if required by the provisions of the *Architects Act*,

a Building Official shall issue the permit for which the application is made. Notwithstanding any other provision of this Bylaw or any other enactment, the Building Official may, at his or her discretion, withhold the issuance of a building or occupancy permit where the Building Official has been notified of a deficiency to a utility service deemed essential to support the use or occupancy of the subject building.

- 13.2 Every permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate:
- (a) if the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
 - (b) if work is discontinued for a period of 12 months; or
 - (c) 24 months from date of issuance.
- 13.3 A Building Official may extend the period of time set out under section 13.2 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.
- 13.4 A Building Official may issue an excavation permit prior to the issuance of a building permit.
- 13.5 A Building Official may issue a building permit for a portion of a building, structure, or plumbing system, before the design, plans and specifications for the entire building, structure or plumbing system have been accepted, provided sufficient information has been provided to the District to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and the permit fee applicable to that portion of the building, structure or plumbing system has been paid. The issuance of the permit notwithstanding, the requirements of this Bylaw apply to the remainder of the building, structure or plumbing system, as if the permit for the portion of the building, structure or plumbing system had not been issued.
- 13.6 When a site has been excavated under an excavation permit issued pursuant to section 13.4 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 13.2, 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 District to do so.

14. DISCLAIMER OF WARRANTY OR REPRESENTATION

- 14.1 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, structure or plumbing system 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.

15. PROFESSIONAL DESIGN AND FIELD REVIEW

- 15.1 When a Building Official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the Building Code.
- 15.2 Prior to the issuance of an occupancy permit for a Complex Building, or Standard Building in circumstances where letters of assurance have been required in accordance with sections 10.1.(e), 10.4.(c), or 15.1 of this Bylaw, the owner shall provide the District with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the Building Code.

16. RESPONSIBILITIES OF THE OWNER

- 16.1 Every owner shall ensure that all construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 16.2 Every owner is responsible for the cost to repair any damage to District property that may occur as a result of undertaking work for which a permit was required under this Bylaw and other applicable enactments, and for the purpose of this clause:
- (a) "District property" means all road allowances, land and easements, with all works, utilities, structures and appurtenances therein or thereon; and,
 - (b) "Damage" includes but is not limited to the placement, dropping or deposit of each, debris, materials, objects or substances upon District property, or surface scarring, cracking or breaking of pavement, curbing or sidewalks, or damage to utility systems with District property.
 - (c) it shall be the responsibility of the owner to observe the conditions of all District properties adjacent to and surrounding the site and to report any existing damage to the Building Official prior to commencing the work. Any damage observed by the Building Official during construction or as part of the final inspection of the site will be assumed to have resulted from the subject building construction and therefore the owner's responsibility to resolve, unless reported as outlined above.
- 16.3 Every owner to whom a permit is issued shall, during construction:
- (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (b) keep a copy of the accepted designs, plans and specifications on the property; and
 - (c) post the civic address on the property in a location visible from any adjoining streets.
- 16.4 Every owner to whom a permit is issued shall determine and incorporate within the building plans submitted, the proper climatic information for building design as included in "Climatic Information for Building Design in Canada", Supplement #1 to the Building Code and included as Appendix C attached to and forming part of this Bylaw.

17. INSPECTIONS

- 17.1 When a registered professional provides letters of assurance in accordance with sections 9.1.(k), 10.1.(j), 10.4(c), 15.1 or 15.2 of this Bylaw, the District will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to section 15.2 of this Bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 17.2 Notwithstanding section 17.1 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.
- 17.3 A Building Official may attend periodically at the site of the construction of Standard Buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code, this Bylaw and any other applicable enactment concerning safety.
- 17.4 The owner or his or her representative shall give at least 72 hours notice to the District when requesting an inspection and shall obtain an inspection and receive a Building Official's acceptance of the following aspects of the work in Standard Buildings, structures or plumbing systems prior to concealing them:
- (a) foundation – after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to back-filling against the foundation;
 - (b) framing – when framing, sheathing and roofing of the building are complete but before any insulation, lath or other interior or exterior finish is applied which could conceal such work;
 - (c) sub slab plumbing – before a building drain is covered, and if any part of a plumbing system is covered before it is inspected it shall be uncovered if the Building Official so directs, and when considered necessary, underground building drains, branches may be required to be retested after the completion of all backfilling and grading by heavy equipment;
 - (d) wood burning appliance – upon connection to the chimney;
 - (e) fireplace and/or chimney
 - (i) upon completion of the first course of the flue liner above the smoke chamber; and
 - (ii) prior to capping chimney;
 - (f) insulation and vapour barrier – when insulation and vapour barrier are complete but prior to placement of any finish thereon;
 - (g) when such tests as may be required by the Plumbing Code or this Bylaw are being carried out on a plumbing system;
 - (h) when the building water supply system has been completed and is under normal operating pressure;
 - (i) rough plumbing – when all fixtures, devices, attachments and appurtenances of the plumbing system are complete;

- (j) prior to occupancy – after the building or structure or portion thereof is substantially complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building or structure; and
 - (k) final – when all work is complete.
- 17.5 No aspect of the work referred in section 17.4 of this Bylaw shall be concealed until a Building Official has accepted it in writing.
- 17.6 The requirements of section 17.4 of this Bylaw does not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with sections 9.1.(k), 10.1.(j), 10.4.(c), 15.1 and 15.2 of this Bylaw.
- 17.7 When required by the Building Official, in Standard Buildings or structures every owner shall uncover and replace at his or her own expense any work that has been covered prior to inspection or contrary to an order issued by the Building Official.
- 17.8 A Survey Certificate prepared by a British Columbia Land Surveyor shall be submitted to the District after the foundation walls have been poured or after the foundations have been assembled and before pouring unless deemed unnecessary by the Building Official.

18. OCCUPANCY

- 18.1 No person shall occupy a building or structure or part of a building or structure until occupancy of a building or structure has been approved by a Building Official.
- 18.2 Occupancy of a building shall not be approved unless:
- (a) all letters of assurance have been submitted when required in accordance with sections 9.1.(k), 10.1.(j), 10.4.(c), 15.1 and 15.2 of this Bylaw.
 - (b) all aspects of the work requiring inspection and acceptance pursuant to section 17.4 of this Bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 17.6 of this Bylaw.
- 18.3 A Building Official may approve occupancy for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in section 18.2 of this Bylaw have been met with respect to it.

19. PLUMBING

- 19.1 Application for a permit shall be in writing on the form provided by the Building Official, and shall:
- (a) be signed by the owner or his authorized agent;
 - (b) state the number of fixtures to be installed in the building;
 - (c) include specifications and suitable drawings made to a scale of not less than 1:100, for the plumbing system with respect to multi-family, institutional, commercial and industrial buildings showing:
 - (i) site services, size and location of pipes;
 - (ii) site drainage, size and location of pipes, catch basins and dry wells;
 - (iii) total fixture load on sanitary sewer and water supply systems;

- (iv) sanitary riser diagram complete with fixture loads at the base of stacks; and
 - (v) rain water leaders, size of pipe and area of roof drained;
 - (d) contain any and all other information necessary to establish compliance with this Bylaw; and
 - (e) include mechanical drawings designed by a Professional Engineer registered in the province of British Columbia, for institutional buildings, buildings over three storeys in height and buildings with complex plumbing systems as determined by the Building Official.
- 19.2 Except where specifically required by the District and where a legal right-of-way has been obtained and such plans are approved by the Building Official, no plumbing system, drainage system, house sewer, private sewage disposal system or parts thereof, shall be located in any lot other than the property which is the site of the building, structure, or premises serviced by such facilities.
- 19.3 For all new construction, provisions shall be made to accommodate the installation of a future water service metering device, as directed by the District, by providing an approved water shut off valve (to be orientated in the open position), located in line and inboard of the pressure reducing valve.
- 19.4 Where a building is demolished or removed from its site the Building Official shall determine the extent of work and the costs involved to seal, remove or leave in place the sanitary, storm sewer and water service connections. Any work required shall be carried out by the District work crews at the owner's expense.

20. RETAINING STRUCTURES

- 20.1 The Building Official may require:
- (a) the design of any retaining wall to be prepared, sealed and signed by a registered British Columbia Professional Engineer and the drawing submitted for permit;
 - (b) the supervision of the permitted work be carried out by the person/persons responsible for the design;
 - (c) that a registered professional undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.5 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.5 metres in height be submitted to a Building Official prior to acceptance of the work.

21. SWIMMING POOL FENCES

- 21.1 Every swimming pool shall be totally enclosed by a fence (as described herein) a building or a combination of fence and building.
- 21.2 Fences shall be not less than 1.5m (4.9 ft) high. The base of every fence shall be not more than 100mm (4 in) above ground or adjacent grade.
- 21.3 No horizontal or angled framing member shall be located on the outside of the fence between 200mm (8 in) and 1.0m (3.3 ft) above ground level or adjacent finished grade. Fences composed of vertical members shall have no openings of a size which will permit the passage of a spherical object having a diameter of 100mm (4 in). Fences composed of angle members shall have no openings between adjacent members greater than 13mm (1/2 in). Notwithstanding the

provisions of this subsection, standard chain link wire mesh fence that meets the minimum height requirements indicated in subsection 20.1 provided the mesh size does not exceed 50mm (2 in) and the wire is not less than No. 11 gauge.

- 21.4 Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with self-latching devices located on the swimming pool side of the fence and at a height of at least 1.0m (3.3 ft) above grade or on the outside of the fence at 1.5m (4.9 ft) above grade.
- 21.5 The swimming pool fence enclosure shall be completed in accordance with the approved plans and specifications. It shall be the owner's responsibility to ensure that the swimming pool area is maintained in a safe, secure condition during the construction period and until a permanent enclosure approved by the Building Official is in place.
- 21.6 The owner shall give a minimum of 72 hours notice to the Building Official requesting a final inspection when the permanent fencing and gate(s) are in place.

22. MOVING PERMITS

- 22.1 No person shall:
- (a) move or cause to be moved any building or structure from one parcel to another without first obtaining a permit issued by the District; or
 - (b) relocate a residential building or structure or part of it to another parcel of land within the District unless it can be shown to the satisfaction of the District that the dwelling, once re-established on the new site, will not downgrade surrounding property values.
- 22.2 Every application for a permit to move a building or structure shall identify the existing location of the building or structure and the proposed location to which the building or structure is to be moved.
- 22.3 The Building Official may require that an application for a building or structure relocation be accompanied by security in a form and amount acceptable to the Building Official.
- 22.4 An application for a moving permit shall be in the form approved by the Director of Planning and Engineering from time to time.
- 22.5 Should a building which has been relocated subject to the provisions of this Bylaw not be completed to occupancy stage within two years from the date of issuance of the permit, the Building Official may send a written notice to the owner stating that the building does not comply with this Bylaw or other enactment and direct the owner to remedy the noncompliance within thirty (30) days from the date of service of the notice. If the noncompliance is not remedied within the period of thirty (30) days, the Building Official may draw upon the security on deposit and take whatever action is necessary to effect completion of the building and site.

23. DEMOLITIONS

- 23.1 An application for a demolition permit shall be in the form prescribed by the Director of Planning and Engineering, from time to time.
- 23.2 The demolition of any building or structure requires a permit prior to commencement of work.

- 23.3 Every person making application for a permit to demolish a building or structure shall, as part of his application, provide the Building Official with satisfactory evidence that:
- (a) no unsafe condition will be created or permitted; and
 - (b) all utility services to the building or structure have been disconnected and all such disconnections have been approved by the appropriate authority.
- 23.4 Before issuing a permit to demolish any building or structure, the Building Official may demand, as a condition of issuance that security be provided in a form satisfactory to the Building Official to ensure that the site of the demolition will be left in a safe, neat condition, free from debris or dust, and compatible with neighbouring properties. The amount of the security shall be equal to the estimated cost of site restoration and shall be acceptable to the Building Official. In the event that the site is not properly restored to a standard satisfactory to the Building Official, the Building Official may send written notice to the owner requiring that the site be properly restored within thirty (30) days from the date of service of the notice. If the restoration is not carried out within the period of thirty (30) days the Building Official may draw upon the security on deposit and take whatever action is necessary to effect restoration of the site. Any outstanding costs at December 31st of the calendar year may be added to that year's property taxes in accordance with Section 258 of the *Community Charter*.

24. EQUIVALENTS

- 24.1 The provisions of this Bylaw are not intended to limit the appropriate use of materials, equipment or methods of construction not specifically authorized herein. An owner desirous of providing an equivalent material, equipment or method of construction not specifically authorized herein must present to the Building Official sufficient evidence to satisfy the Building Official that the proposed equivalent will provide the level of performance required by this Bylaw.

25. PERMITS

- 25.1 A building permit shall be in the form prescribed by the Director of Planning and Engineering Services, from time to time.

26. PENALTIES AND ENFORCEMENT

- 26.1 Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months for each offence. A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.
- 26.2 Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.
- 26.3 A Building Official may order the cessation of any work that is proceeding in contravention of the Building Code or this Bylaw by posting a Stop Work Order in the form of Appendix D to this Bylaw.
- 26.4 The owner of property on which a Stop Work Order has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this Bylaw and other applicable enactments have been substantially complied with and the Stop Work Order has been rescinded in writing by a Building Official.

- 26.5 Where a person occupies a building or structure or part of a building or structure in contravention of this Bylaw, a Building Official may post a "Do Not Occupy" notice on the affected part of the building or structure.
- 26.6 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 this Bylaw, the Building Code and other applicable enactments have been substantially complied with and the "Do Not Occupy" notice has been rescinded in writing by a Building Official.
- 26.7 To account for additional administrative time and costs to the District that are incurred as a result of the start of construction without a valid building permit, the Building Official may double the fees for a building permit where construction has commenced prior to issuance of the required building permit.

27. SEVERABILITY AND APPLICATION

- 27.1 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.

28. REPEAL

- 28.1 Bylaw No. 573 cited as "*Sparwood Building Bylaw No. 573, 1991*" and all Bylaws enacted in amendment thereto are hereby repealed.

READ A FIRST TIME the 20th day of April, 2009.

READ A SECOND TIME the 19th day of May, 2009.

READ A THIRD TIME the 19th day of May, 2009.

ADOPTED the 1st day of June, 2009.

DAVID WILKS
MAYOR

TERRY MELCER,
DIRECTOR OF CORPORATE SERVICES

APPENDIX A

SCHEDULE OF PERMIT FEES

A. BUILDING PERMIT FEES

* Declared or Assessed Value

)	\$1,000 or less	\$ 50.00
)		
Construction, reconstruction, addition, extension, alteration and repair of any building or any other work requiring a permit and not specifically listed here.)	For each additional \$1,000 or fraction thereof up to \$50,000	10.00
)		
)	For each additional \$1,000 or fraction thereof over \$50,000	5.00
Minimum Fee			50.00
Re-inspection Fee			50.00

* As determined by the Building Official, based on evaluation of current construction costs for the area or firm contract price.

B. RELATED PERMIT FEES

1.	Separate chimney/fireplace construction	\$	50.00
2.	Demolition permit		50.00
3.	Moving permit		250.00
4.	Temporary building permit, per unit		50.00
5.	Swimming Pool Fencing		50.00
6.	Single-wide or double-wide manufactured home placement		250.00
7.	Building permit renewal (minimum) or \$2.00 per \$1,000 of value of work to be completed, whichever is highest.		50.00
8.	Minimum inspection fee (insurance purposes)		50.00
9.	Secondary suite – inspection fee		150.00

C. PLUMBING PERMIT FEES

Each plumbing fixture	\$	10.00
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APPENDIX B**ACKNOWLEDGEMENTS OF OWNER**

RE: PERMIT NO. _____

CIVIC ADDRESS OF PROJECT: _____

I acknowledge that the owner of the land in respect of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting safety, including the requirements of the Building Code in relation to soil conditions for building foundations.

I acknowledge that the owner of the land is also solely responsible for determining whether the work authorized by this permit contravenes the terms of any covenant, easement, right of way, building scheme or other restriction affecting the building site, and whether the work requires the involvement of an architect under the Architects Act or an engineer or geoscientist under the Engineers and Geoscientists Act.

I acknowledge that the District of Sparwood provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, warrant that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting safety.

If a building official has so indicated on this permit, I acknowledge that the District of Sparwood has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the District of Sparwood, by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

Name of Registered Owner (please print)_____
Signature of Registered Owner or
Authorized Signatory of Corporate Owner_____
Date of Acknowledgement

APPENDIX C

CLIMATIC INFORMATION FOR BUILDING DESIGN

CONVERSIONS

<u>DESIGN ELEMENT</u>	<u>DESIGN VALUE</u>
January 2.5% design dry bulb temperature °C	-30
January 1% design dry bulb temperature °C	-34
July 2.5% design dry bulb temperature °C	29
July 2.5% design wet bulb temperature °C	19
Annual total degree – days below 18 °C (30 years)	5,000
Maximum fifteen minute rainfall (mm)	12
Maximum one day rainfall (mm)	81
Annual total precipitation (mm)	570
Annual total rainfall (mm)	405
Frost Penetration (cm)	175
Note: Footings – Recommended (m)	1.2
Water Service – Recommended minimum (m)	1.8
Driving Rain wind pressure 1/5 years (Pa)	100
Ground snow load, snow component S _s (30 years) (kPa)	2.7
Ground snow load, rain component S _r (30 years) (kPa)	0.2
Ground snow load, snow component S _s (50 years) (kPa)	3.0
Ground snow load, rain component S _r (50 years) (kPa)	0.2
Hourly wind pressure, 1/10 years (kPa)	0.33
Hourly wind pressure, 1/30 years (kPa)	0.43
Hourly wind pressure 1/50 years (kPa)	0.47
Hourly wind pressure 1/100 years (kPa)	0.55

1 KN/meter squared – 1 kPa

0 Seismic Zone

0 Acceleration Ration (A)

Sparwood

49° 43' North 114° 53' West

Elevation 1139 metres above sea level

5,511,099.741 652,364.916 UTM NAD 83

APPENDIX D

STOP WORK ORDER

Pursuant to “*Building Bylaw 1012, 2009*” and amendments thereto, a Stop Work Order has been placed on this construction.

The owner of this property and every other person shall cease construction work immediately and shall not do any work until all applicable provisions of the Bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by the Building Official.

Particulars of the bylaw infraction may be obtained at the District Office, 136 Spruce Avenue, Sparwood, BC.

No person shall reverse, alter, deface, cover, remove or in any way tamper with this Notice.

Reasons for notice (in brief): _____

DATE: _____

BUILDING OFFICIAL