



DISTRICT OF PORT EDWARD BUILDING BYLAW NO. 477

A BYLAW FOR THE ADMINISTRATION OF THE BUILDING CODE

WHEREAS Section 8(3)(1) and Division 8 of Part 3 of the Community Charter authorizes the District of Port Edward, for the health, safety and protection of persons or property 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 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. Title

1. This bylaw may be cited for all purposes as the “District of Port Edward Building Bylaw No. 477”.

2. Definitions

2. In this bylaw:

The following words and terms have the meanings set out in section 1.1.3.2 of the British Columbia Building Code 1998: *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, mercantile occupancy, medium hazard industrial 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.

Building Code means the *British Columbia Building Code 1998* as adopted 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 and Plumbing Inspectors designated by or retained under contract with the **District of Port Edward**.

Building Permit means a permit for construction required or issued pursuant to 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 meters in **building area** or exceeding three storeys 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 includes to reconstruct, erect, install, repair, alter, demolish, and move.

Construction includes reconstruction, erection, installation, repair, alteration, demolition and moving.

Council means the Council of the Municipality.

Fee means the fee prescribed in Schedule “A” to this bylaw.

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the **Building Code**.

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

Municipality means the District of Port Edward.

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 and a solid fuel burner permit.

Pool means a water receptacle used for swimming or as a plunge for other bath designed to accommodate more than one bather at a time; for decorative or landscaping purposes; but does not include irrigation or natural ponds not filled from domestic water sources.

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

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 1.5 meters in height.

Value means the estimated value of the work proposed to be undertaken, including materials and labour costs at market rates and in relation to a single family dwelling, the labour costs shall be based on Twenty (\$20.00) Dollars per hour.

Zoning Bylaw means the Zoning Bylaw of the Municipality in effect from time to time.

3. Purpose of Bylaw

- 3.1 The 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 ***Municipality*** in the general public interest. The activities undertaken by or on behalf of the ***Municipality*** 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:

- 3.2.1 to the protection of *owners*, owner/builders or *constructors* from economic loss;
- 3.2.2 to the assumption by the *Municipality* 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;
- 3.2.3 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;
- 3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the *Municipality* is free from latent, or any defects.

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 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* of 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 *Municipality* 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 representatives are responsible for making such determination.

5. Scope and Exemptions

- 5.1 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*.
- 5.2 This bylaw does not apply to *buildings* or *structures* exempted by Part 1 of the *Building Code* except as expressly provided herein, nor to retaining structures less than 1.5 meters in height.

6. Prohibitions

- 6.1 No person shall commence or continue any constructions, alteration, reconstruction, demolition, removal, relocation or change the *occupancy* of any *building* or *structure*, including excavation or other work related to construction unless a *building official* has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any *building* or *structure* unless a valid and subsisting occupancy permit has been issued by a *building official* for the *building* or *structure*, or contrary to the terms of any permit issued or any notice given by a *building official*.
- 6.3 No person shall occupy or use a *building* following a change in class of *occupancy* of the *building* or part of it without first obtaining an occupancy permit for it.
- 6.4 No person shall continue to do any work upon a *building* or *structure* or any portion of it after the *building official* has ordered cessation of work on it or has ordered the suspension of any portion of construction of it.
- 6.5 No person shall do any work or carry out any construction contrary to a provision or requirement of this bylaw or *Building Code*.
- 6.6 No person shall knowingly submit false or misleading information to a *building official* in relation to any permit application or construction undertaken pursuant to this bylaw.
- 6.7 No person shall, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a *building* or *structure* pursuant to this bylaw.

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

6.9 No person shall obstruct the entry of a **building official** or other authorized official of the **Municipality** on property in the administration of this bylaw.

7. Building Officials

7.1 Each **building official** may:

7.1.1 administer this bylaw;

7.1.2 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 or microfilm copies of such documents.

7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.

7.2 A **building official**:

7.2.1 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;

7.2.2 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

7.2.3 shall carry proper credentials confirming his or her status as a **building official**;

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

7.2.5 may order the correction of any work which he considers is being or has been improperly done under any permit.

8. Applications

- 8.1 Every person shall apply for and obtain:
- 8.1.1 a building permit before constructing, repairing or altering a ***building*** or ***structure***;
 - 8.1.2 a moving permit before moving a ***building*** or ***structure***;
 - 8.1.3 a demolition permit before demolishing a ***building*** or ***structure***;
 - 8.1.4 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.
- 8.2 An application for a permit shall be made in the form provided by the ***building official***.
- 8.3 All plans submitted with permit applications shall bear the name and address of the ***designer*** of the ***building*** or ***structure***.
- 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 Schedule A to this bylaw.

9. Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a ***complex building*** shall;
- 9.1.1 be made in the form provided by the ***building official***, signed by the ***owner***, or a signing officer if the ***owner*** is a corporation, and the ***coordinating registered professional***;
 - 9.1.2 be accompanied by the ***owner's*** acknowledgement of responsibility and undertakings made in the form provided by the ***building official***, signed by the ***owner***, or a signing officer if the ***owner*** is a corporation;
 - 9.1.3 include a copy of a title search made within 30 days of the date of the application;
 - 9.1.4 a site plan prepared by a British Columbia Land Surveyor showing:
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.4.2 the legal description and civic address of the parcel;

- 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
- 9.1.4.4 the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;
- 9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the *Municipality's* land use regulations establish siting requirements related to flooding;
- 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *structure* where the *Municipality's* land use regulations establish siting requirements related to minimum floor elevation; and
- 9.1.4.7 the location, dimension and gradient of parking and driveway access;
- 9.1.4.8 the *building official* may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing *building* or *structure*.
- 9.1.5 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.
- 9.1.6 a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.7 elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and finished grade;
- 9.1.8 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*;
- 9.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, highway access permits and Ministry of Health approval;
- 9.1.10 If applicable, a Letter of Certification required by section 9 of the Sewerage System Regulation, B.C. Reg. 362/04, that certifies that:

- a) the authorized person has complied with the requirements to provide the owner with a copy of the sewerage system plans and specifications as provided to the Health Authority under section 8(2)(b) of the Sewerage System Regulation and a maintenance plan for the sewerage system that is consistent with standard practice;
- b) the sewerage system has been constructed in accordance with standard practice;
- c) the sewerage system has been constructed substantially in accordance with the plans and specifications filed under the Sewerage System Regulation;
- d) the estimated daily domestic sewage flow through the sewerage system will be less than 22,700 litres; and
- e) if operated and maintained as set out in the maintenance plan, the sewerage system will not cause or contribute to a health hazard.

- 9.1.11 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**.
- 9.1.12 letters of assurance in the form of Schedule 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**;
- 9.1.13 two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.5 - 9.1.8 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:
- 9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the **Municipality's** subdivision servicing bylaw;

- 9.2.2 a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
 - 9.2.3 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 An application for a building permit with respect to a *standard building* shall;
 - 10.1.1 be made in the form provided by the *building official*;
 - 10.1.2 be accompanied by the *owner's* acknowledgment of responsibility and undertakings made in the form provided by the *Municipality*, signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - 10.1.3 state the intended use or uses of the building;
 - 10.1.4 state the true *value* of the proposed work;
 - 10.1.5 include a copy of a title search made within 30 days of the date of the application;
 - 10.1.6 a site plan prepared by a British Columbia Land Surveyor showing:
 - 10.1.6.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 10.1.6.2 the legal description and civic address of the parcel;
 - 10.1.6.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 10.1.6.4 the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;
 - 10.1.6.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the *Municipality's* land use regulations establish siting requirements related to flooding;

- 10.1.6.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the *Municipality's* land use regulations establish siting requirements related to minimum floor elevation; and
 - 10.1.6.7 the location, dimension and gradient of parking and driveway access;
 - 10.1.6.8 the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
 - 10.1.6.9 any and all other information necessary to establish compliance with the bylaw, the **Zoning Bylaw** and any other applicable enactment.
- 10.1.7 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 door; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 10.1.8 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.9 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.10 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**;
- 10.1.11 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;
- 10.1.12 If applicable, a Letter of Certification required by section 9 of the Sewerage System Regulation, B.C. Reg. 362/04, that certifies that:
- a) the authorized person has complied with the requirements to provide the owner with a copy of the sewerage system plans and specifications as provided to the Health Authority under section 8(2)(b) of the Sewerage System Regulation and a maintenance

- plan for the sewerage system that is consistent with standard practice;
- b) the sewerage system has been constructed in accordance with standard practice;
 - c) the sewerage system has been constructed substantially in accordance with the plans and specifications filed under the Sewerage System Regulation;
 - d) the estimated daily domestic sewage flow through the sewerage system will be less than 22,700 litres; and
 - e) if operated and maintained as set out in the maintenance plan, the sewerage system will not cause or contribute to a health hazard.
- 10.1.13 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**;
- 10.1.14 the requirements of section 10.1.13 may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to section 56 of the *Community Charter* and the permit is issued in accordance with section 56 of the *Community Charter*.
- 10.1.15 The requirements of section 10.1.13 may 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 the **Building Code** and the foundation excavation substantially complies with section 9.12 of Part 9 of the **Building Code**.
- 10.1.16 two sets of drawings at a suitable scale of the design including the information set out in sections 10.1.7 - 10.1.10 and 10.1.13 of this bylaw.
- 10.2 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 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:

- 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;
- 10.2.3 a roof plan and roof height calculations;
- 10.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
- 10.2.5 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 a **registered professional**;
- 10.2.6 a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe. The 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;
- 10.2.7 a graphic drawing of proposed plumbing work showing the size and location of the plumbing system and containing complete design and calculation criteria; and
- 10.2.8 a survey of the **building** site by a registered **British Columbia Land Surveyor** whenever one for the following conditions exist:
- a) there is doubt as to the location of the lot lines;
 - b) there are no existing legal survey pins within Sixty (60) meters of the **building** site;
- contain any and all other information necessary to establish compliance with the Sewer and Water bylaw;
- 10.2.9 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**.

11. Revocation of a Permit

- 11.1 A building official may revoke a permit where there is a violation of
- a) a condition under which the permit was issued; or
 - b) a provision of the Building Code, this bylaw or other applicable bylaws or enactments.
- 11.2 the revocation shall be in writing and transmitted to the permit holder by registered mail, and deemed served at the expiration of three days after the date of mailing.

12. Professional Plan Certification

- 12.1 The letters of assurance in the form of Schedule B-1 and B-2 referred in section 2.6 of Part 2 of the **Building Code** and provided pursuant to section 9.1.12, 10.1.13.10.2.5 and 16.1 of this bylaw are 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 the other applicable enactments relating to safety.
- 12.2 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 10.2.4 and letters of assurance pursuant to section 10.2.5 of this bylaw shall be in the form provided by the **building official**.
- 12.3 A building permit issued pursuant to section 12.2 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.
- 12.4 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 to this bylaw, up to a maximum reduction of \$ 500.00 (five hundred dollars).

13. Fees and Charges

- 13.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule A to this bylaw, shall be paid in full prior issuance of any permit under this bylaw.
- 13.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set in Schedule A to this bylaw.

- 13.2.1 The plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 13.2.2 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.
- 13.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 13.3 The *owner* may obtain a refund of the permit fees set out in Schedule A to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
 - 13.3.1 the refund shall not include that plan processing fee paid pursuant to section 13.2 of this bylaw; and
 - 13.3.2 no refund shall be made where construction has begun or an inspection has been made.
- 13.4 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 to this bylaw shall be paid prior to additional inspections being performed.
- 13.5 For a required permit inspection requested to be done after the hours during which the offices of the *Municipality* are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule A to this bylaw.
- 13.6 An inspection charge, as set out in Schedule A to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing *building* or *structure* for which a permit is sought under this bylaw.

14 Building Permits

- 14.1 When:
 - 14.1.1 a completed application including all required supporting documentation has been submitted;

- 14.1.2 the proposed work set out in the application substantially conforms with the **Building Code**, this bylaw and all other applicable bylaws and enactments;
 - 14.1.3 the **owner** or his or her representative has paid all applicable fees set out in section 13.1 of this bylaw;
 - 14.1.4 the **owner** or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
 - 14.1.5 no enactment, covenant, agreement, or regulation in favour or , or regulation of, **Municipality** authorizes the permit to be withheld;
 - 14.1.6 the **owner** has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*;
 - 14.1.7 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.
- 14.2 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued include, the **owner** provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed **building**:
 - 14.2.1 is covered by home warranty insurance, and
 - 14.2.2 the **constructor** is a licensed residential builder.
 - 14.3 Section 14.2 of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
 - 14.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
 - 14.4.1 the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
 - 14.4.2 work is discontinued for a period of 6 months.

- 14.5 A **building official** may extend the period of time set out under sections 14.4.1 and 14.4.2 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.
- 14.6 A **building official** may issue an excavation permit in the form provided by the **building official** prior to the issuance of a building permit.
- 14.7 A **building official** 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** has not been issued.
- 14.8 When a site has been excavated under an excavation permit issued pursuant to section 14.6 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 14.4, 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.
- 14.9 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.
- 14.10 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.

15 Disclaimer of Warranty or Representation

- 15.1 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.

16 Professional Design and Field Review

- 16.1 When a **building official** considers that the site conditions, size or complexity of a development of 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 Schedule B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the **Building Code**.
- 16.2 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 section 9.1.12, 10.1.13, 10.2.5 or 16.1 of this bylaw, the **owner** shall provide the **Municipality** with letters of assurance in the form of Schedule C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the **Building Code**.
- 16.3 When a **registered professional** provides letters of assurance in accordance with section 9.1.12, 10.1.13, 10.2.5, 16.1 or 16.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the **building official** in the form provided by the **building official**.

17 Responsibilities of the Owner

- 17.1 Every **owner** shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- 17.2 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 authorized by the permit.
- 17.6 Every **owner** shall, where tests of any materials are required by the **building official** ensure conformity with the requirements of this bylaw, transmit to the **building official** records of the test results;
- 17.7 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, by inquiring from the **building official**, 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;
- 17.8 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 **building official** 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;

- 17.9 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 else 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”;
- 17.10 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;
- 17.11 Every **owner** shall obtain, where applicable, a highway or street access permit to the real property; and
- 17.12 Every **owner** to whom a permit is issued shall, during construction:
- 17.12.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 17.12.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 17.12.3 post the civic address on the property in a location visible from any adjoining streets.
- 17.13 Before construction commences, the **owner** shall
- a) 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
 - b) incorporate into the design and plans submitted for a permit, the climatic data in Section 23.
- 17.14 Before a **building** or demolition permit is issued, the owner shall deliver to the Municipality the deposit described in Schedule “A” to secure payment for injury to, destruction, defacement or disturbance of Municipal property, including installations, 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.

The *Municipality* may apply the deposit towards making good such injury, destruction, defacement or disturbance, and shall return any balance to the owner when an occupancy permit is issued or upon completion of all demolition work. Where, in the opinion of the *building official*, the nature of the work is such that it is unlikely to cause any injury and will have a value of \$ 2,500.00 or less, the *building official* may waive the requirement for a deposit.

18. Inspections

18.1 When a *registered professional* provides letters of assurance in accordance with section 9.1.12, 10.1.13, 10.2.5, 16.1 or 16.2 of this bylaw, the *Municipality* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to section 16.2 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.

18.2 Notwithstanding section 18.1 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*.

18.3 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 the those portions of the *Building Code*, this bylaw and any other applicable enactment concerning safety.

18.4 The *owner* or his or her representative shall give at least 24 hours notice to the *Municipality* when requesting an inspection and shall obtain an inspection and receive an *building official's* acceptance of the following aspects of the work prior to concealing it:

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

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

18.4.3 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;

18.4.4 the framing and sheathings;

18.4.5 insulation and vapour barrier;

18.4.6 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**.

- 18.5 No aspect of the work referred in section 18.4 of this bylaw shall be concealed until a **building official** has accepted it in writing.
- 18.6 The requirements of section 18.4 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 sections 9.1.12, 10.1.13, 10.2.5, 16.1 or 16.2 of this bylaw.

19. Occupancy Permits

- 19.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form provided by the **building official**.
- 19.2 An occupancy permit shall not be issued unless:
- 19.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.12, 10.1.13, 10.2.5, 16.1 and 16.2 of this bylaw.
- 19.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 18.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 18.5 of this bylaw.
- 19.3 A **building official** may issue an occupancy permit 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 19.2 of this bylaw have been met with respect to it.
- 19.4 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 constructions, and undertakes to complete it within six (6) months of the issuance of the occupancy permit.
- 19.5 Upon the expiration of the six (6) months after the issuance of an occupancy permit, if the remaining construction has been completed, the fee paid under subparagraph (19.4) shall be refunded to the owner without interest, and if construction has not been completed, the fee shall become the property of the Municipality.

20. General Duties of the Owner Before Construction

20.1 An *owner* of real property shall

- a) permit the *building official* to enter his building or premises at any reasonable time for the purpose of inspections;
- b) 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;
- c) when required by the *building official*, give at least 48 hours notice to the *building official* of the intention to start work on the construction site; and
- d) obtain elevation and construction requirements relative to Provincial Flood Plain Restrictions from the Ministry of Environment;
- e) 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;
- f) not place nor maintain, nor shall any owner or agent permit on any building or premises, a building number other than required under the provisions of this bylaw.

20.2 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.

21. Temporary Occupancy of Highways

21.1 No person shall occupy a highway or portion of it in connection with the construction or maintenance of a building without first obtaining a permit for that purpose from the *building official*.

21.2 The applicant for such a permit shall agree in writing to indemnify and save harmless the Municipality from and against all claims, liability, costs and expenses arising out of the granting of highway occupancy and shall post with the *Municipality* an insurance policy to ensure that agreement.

21.3 Where a permit is issued pursuant to this Section, no person shall occupy or encumber any portion of the highway beyond one-half of the width abutting the sidewalk and, in the event that no sidewalk exists, the encroachment will be permitted if a structure is built, according to plans approved by the **building official**, to protect any person using the highway.

22. Fences and Walkways

22.1 If, in the opinion of the building official, 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 this Section.

22.2 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 building official.

22.3 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.

22.4 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.

23. Climatic Data

23.1 Climatic data for the design of the building in the **Municipality** is:

		Apply to Building Code Requirement
a)	Design Temperature 6.2.1.6	
	January 21/2 %	-14 C
	January 1%	-16 C
	July 21/2%	Dry 19 C
		Wet 15 C
	Degree – Days below 18 C	3987 days

b)	Maximum Rainfall 4.1.7.3(1)		
	15 minutes	13 mm	
	one day	141 mm	
	Maximum Snowload on the Ground	1.7kN/m ²	4.1.7.1
	Annual total precipitation	2463 mm	
c)	Hourly Wind Pressure		4.1.8.1(4)
	probability 1/10	0.42 kPa	
	probability 1/30	0.50 kPa	
	probability 1/100	0.90 kPa	
d)	Seismic Data		4.1.8.1(4)
		Z _a = 3	
		Z _v = 5	
	Zonal velocity ratio, v	v = 0.3	

24. Essential Services

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

24.2 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.

24.3 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.

24.4 Sewer

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

24.5 Storm Drain

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

24.6 Access to Driveway

A driveway of sufficient strength, grade and width for access from the highway to all buildings by fire and emergency vehicles.

25. Fireplace and Chimney Regulations

25.1 No person shall construct a fireplace or chimney without first obtaining a permit from the building official.

26. Building Moves

26.1 No person shall or cause to be moved any building 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.

- 26.2 The following conditions apply to the issuance of a Building Moving permit under this Section if the building to be moved is residential:
- a) 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
 - b) the building shall either meet the requirements of the **Building Code** prior to its move or be rehabilitated to Building Code requirements within six (6) months from the issuance of the permit to move.
- 26.3 The following conditions apply to all **buildings** in respect of which an application to move has been made:
- a) 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 clearances and siting requirements applicable to that parcel; and
 - b) 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 TWO THOUSAND (\$2,000.00) DOLLARS payable to the Municipality.
- 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 the balance thereof (if any) remaining in the hands of the Municipality shall be returned to the depositor after an Occupancy Permit in respect of the work has been issued.
- 26.4 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 five hundred (500) feet of the parcel upon which it is proposed by that person to locate the building.

27. POOLS

27.1 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 and appurtenances. The outfall for the disposal of waste water shall be approved before the Permit is issued.

27.2 The following conditions apply to pools:

- a) a swimming pool shall be enclosed with a fence not less than 1.2 m (four feet) in height, and constructed in such a manner that it does not provide or afford footholds or grips on the outside for children to climb.
- b) any gate in the fence shall be self latching, and the latch shall be on the inside of the enclosure and shall be maintained in working order at all times.
- c) the location of a swimming pool shall meet the requirements and provisions of the *Zoning Bylaw* of the *Municipality* with respect to front and side yards.
- d) no swimming pool shall be located less than 3.1 m (ten feet) from any rear lot line.
- e) 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 (twenty-four inches) in depth and has a surface area exceeding 14 m² (one hundred fifty square feet).

28. RETAINING WALLS

28.1 A *registered professional* shall undertake the design and conduct *field reviews* of the construction of a retaining structure greater than 1.5 meters 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 meters in height shall be submitted to a *building official* prior to acceptance of the works.

29. Temporary Building

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

- 29.2 The word “Temporary”, as used in this subsection, shall mean a period not exceeding twelve (12) months;
- 29.3 Applications for a permit to construct a temporary building shall be made in writing to the building official accompanied by:
- a) plans showing the location of the building on the site and construction details of the building;
 - b) a statement of the intended use and duration of the use; and
 - c) a bond or certified cheque in the amount of ONE THOUSAND (\$1,000.00) DOLLARS which will guarantee that the building will be removed entirely and the site left in a safe and sanitary condition when the permit has expired.

30. Penalties and Enforcement

- 30.1 A person who:
- a) violates a provision of the *Building Code* or of this Bylaw;
 - b) causes, suffers or Permits an act or thing to be done in contravention or in violation of the *Building Code* or this Bylaw;
 - c) neglects or refrains from doing anything required to be done by the *Building Code* or this Bylaw;
 - d) carries out or suffers, causes or Permits to be carried out any construction in a manner prohibited by or contrary to the *Building Code* or this Bylaw; or
 - e) fails to comply with an order, direction or notice given under the *Building Code* or this Bylaw;

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.

- 30.2 For each day that a violation of the provisions of this Bylaw is permitted to exist, it shall constitute a separate offence.
- 30.3 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 notice in the form provided by the *building official*.

- 30.4 The **owner** of property on which a Stop Work notice 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 notice has been rescinded in writing by a **building official**.
- 30.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.4 of this bylaw a **building official** may post a Do Not Occupy notice in the form provided by the **building official** on the affected part of the **building** or **structure**.
- 30.6 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 has been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- 30.7 Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.

31 Severability

- 31.1 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. Forms and Schedules

- 32.1 Schedule "A" attached to this Bylaw forms a part of this bylaw.

REPEAL BYLAWS

33. BUILDING BYLAW NO. 308, 1993 is hereby repealed.

READ a first time this 14th day of February, 2006;
READ a second time this 14th day of February, 2006;
READ a third time this 14th day of February, 2006;

RECONSIDERED AND ADOPTED THIS 28TH day of February 2006.

Mayor

Clerk

Certified a true copy of bylaw 477, 2005
cited as "District of Port Edward Building Bylaw No. 477, 2005".

Clerk

REQUIRED SCHEDULES ARE ATTACHED

SCHEDULE A

1. (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	\$5.00
\$500.00 - \$1,000.00	\$10.00
For each additional \$1,000.00 or part thereof up to \$10,000.00	\$6.00
For each \$1,000.00 or part thereof by which the cost exceeds \$10,000.00 up to \$100,000.00	\$4.00
For each \$1,000.00 or part thereof by which the cost exceeds \$100,000.00	\$2.00
Minimum Fee	\$10.00
Reinspection Fee	\$10.00
(2) Related Building Permit Fees	
Separate Chimney/Fireplace construction	\$20.00
Demolition Permit	\$10.00
Moving Permit	\$25.00
Temporary Building Permit	\$20.00*
Single-wide or Double-wide	
Manufactured Home Placement	\$25.00*
Single-wide or Double-wide,	
Manufactured Home Placement in,	
Manufactured Home Park	\$25.00*
Building Permit Renewal	\$20.00 min.
Minimum Inspection Fee (Insurance purposes)	\$25.00

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

(3) Plumbing Permit Fee

First fixture	\$10.00
Each additional fixture	\$2.00
Minimum Fee	\$10.00
Septic Tank	\$20.00

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

2. SERVICES CONNECTION FEES

WATER CONNECTION CHARGES:

19 mm to 25 mm connection	\$ 880.00
38 mm connection	\$ 962.50
51 mm connection	\$ 1045.00

For larger than 51 mm connection, the minimum charge shall be \$1,100.00 plus any costs incurred over this amount.

All road crossings and rock excavating would be additional cost.

SEWER CONNECTION CHARGES

100 mm sewer connection	\$ 906.40
150 mm sewer connection	\$ 1076.35

For larger than 150 mm sewer connection, the minimum fee shall be \$1,130.00 plus any costs incurred over this amount.

All road crossings and rock excavating would be additional cost.

3. OTHER FEES

(1) Fire Permits:

For each Chimney Flue	\$ 5.00
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(2) Street Occupancy Fees:

The Fee or Fees payable for the issuance of a Permit for the occupancy of any street or portion thereof shall be as follows:

\$0.25 per day for every 9.3 m² (one hundred square feet) or fraction thereof, or \$0.30 per 7.6 m (twenty-five linear feet) or fraction thereof, whichever is the greater; provided, however, the minimum fee for any such Permit shall be \$3.00.

(3) Plan Processing Fee Required by Section 13.2

10% of the value of the project, to a maximum \$2000.00.

(4) Capping Off Fee

Sanitary Sewer	\$25.00
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Storm Sewer	\$25.00
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