

VILLAGE OF PEMBERTON
BUILDING BYLAW No. 694, 2012

A bylaw to establish the regulation of the construction, alteration, repair, demolition or occupancy of buildings and structures.

WHEREAS the *Community Charter* authorizes the Village of Pemberton (hereafter referred to as “the Village”), for the health, safety and property to regulate the construction, alteration, repair, demolition, or occupancy 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, demolition or occupancy 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 Village of Pemberton, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as the “Village of Pemberton Building Bylaw No. 694, 2012”.

2. DEFINITIONS

In this Bylaw:

The following words and terms have the meanings set out in Division A Part 1 Section 1.4 of the British Columbia Building Code: ***assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.***

“***Building Code***” means the most current British Columbia Building Code as adopted by the Minister pursuant 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 the Village of Pemberton.

“***Heritage Building***” means:

A building legally protected or recognized as a ***Heritage Property*** by the Provincial or Local Government. Alternative solutions for Heritage buildings must be in compliance with the ***Building Code***.

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“Complex Building” means:

- (a) All **buildings** used **for major occupancies** classified by the British Columbia **Building Code** 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** as defined by the **Building Code** 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.**

“**Health and safety aspects of the work**” means design, construction, demolition or **occupancy** as defined in Division A Section 2.2 of the **Building Code**.

“**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:

- (v) **Residential occupancies,**
- (vi) **Business and personal services occupancies,**
- (vii) **Mercantile occupancies, or**
- (viii) **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.

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 Village of Pemberton in the general public interest. The activities undertaken by or on behalf of The Village pursuant to this Bylaw are for the sole purpose of providing a limited and interim compliance monitoring function for reason of health, safety and the protection of

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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, owners/builders** or **constructors** from economic loss;
- 3.2.2 to the assumption by the Village of Pemberton 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 Village of Pemberton 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 Village 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 Village 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**.

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- 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 construction, alteration, reconstruction, plumbing, 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 final inspection services report 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 knowingly submit false or misleading information to a **building official** in relation to any permit application or construction undertaken pursuant to this Bylaw.
- 6.4 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.
- 6.5 No person shall do any work that is at a 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 a **building official**.

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 electronic 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**.

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- 7.3 A **building official** may order the correction of any work that is being or has been done in contravention of this Bylaw.

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 relocation permit before relocating 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 solid fuel burning appliance or chimney;
 - 8.1.5 a plumbing permit prior to constructing or altering any plumbing system;
 - 8.1.6 a fire sprinkler permit prior to construction or altering any fire sprinkler system. A fire sprinkler permit is not required for the relocation or alteration of a system when not more than 2 sprinkler heads are altered or relocated;
 - 8.1.7 fire alarm and detection system permit.
- 8.2 An application for a relocating permit shall be made in the form prescribed by the Municipality.
- 8.3 An application for a demolition permit shall be made in the form prescribed by the Municipality.
- 8.4 An application for a solid fuel burning appliance and chimney permit shall be made in the form prescribed by the Municipality.
- 8.5 An application for a plumbing permit shall be made in the form prescribed by the Municipality.
- 8.6 An application for a fire sprinkler permit in the form prescribed by the Municipality.
- 8.7 An application for a fire alarm system in the form prescribed by the Municipality.
- 8.8 All plans submitted with permit applications shall bear the name and address of the designer of the **building** or **structure**.
- 8.9 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".

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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 prescribed by the Municipality , 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** acknowledgment of responsibility and undertakings made in the form prescribed by the Municipality , 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 thirty (30) days of the date of the application; and a copy of all covenants, easements, R.O.W.'s etc., registered against the property.
 - 9.1.4 two (2) copies of 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 Village'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 Village'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 space and roof spaces; the locations, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;

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- 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, finished grade, and spatial separation calculations.
 - 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, sewage disposal permits, highway access permits and Ministry of Health approval;
 - 9.1.10 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 significant officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**;
 - 9.1.11 letters of assurance in the form of Schedules B-1 and B-2 as referred to in the **Building Code**, each signed by such **registered professionals** as required by the **building official** or **Building Code** to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;
 - 9.1.12 three (3) 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 to 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 a **Building Code** analysis showing conformance to the **building** to the current **Building Code**;
 - 9.2.2 a zoning analysis showing conformance to the current Zoning Bylaw and Development Permit;
 - 9.2.3 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 Village’s current Subdivision and Development Control Bylaw;
 - 9.2.4 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - 9.2.5 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**.

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10. APPLICATION 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 prescribed by the Municipality, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - 10.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form prescribed by the Municipality, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - 10.1.3 include a copy of all title searches made within thirty (30) days of the date of the application; a copy of all covenants, Statutory Right-of-Ways, easements etc., registered against the property.
 - 10.1.4 a site plan prepared by a British Columbia Land Surveyor showing:
 - 10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 10.1.4.2 the legal description and civic address of the parcel;
 - 10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 10.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
 - 10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village's land use regulations establish siting requirements related to minimum floor elevation; and 10.1.4.7 the location, dimension and gradient of parking and driveway access;
 - 10.1.4.7 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**.
 - 10.1.5 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;
 - 10.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;

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- 10.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, finished grade, and spatial separation calculations;
 - 10.1.8 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**;
 - 10.1.9 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;
 - 10.1.10 letters of assurance in the form of Schedules B-1 and B-2 as required in subsection 2.2.7. of Division C of the Code
 - 10.1.11 two (2) sets of drawings at a suitable scale of the design including the information set out in sections 10.1.5 – 10.1.8 and 10.1.10 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 Village's current Subdivision and Development Control Bylaw.
 - 10.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - 10.2.3 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 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 the **Building Code**, signed by the **registered professional** if a Geotechnical Engineer concludes that the foundation design will be outside the scope of Part 9,
 - 10.2.6 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**.

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11. FEES AND CHARGES

- 11.1 In addition to applicable fees and charges required under other Bylaws, a permit fee, calculated in accordance with Schedule "A", shall be paid in full prior to issuance of any permit under this Bylaw.
- 11.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set out in Schedule "A":
 - 11.2.1 the plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued;
 - 11.2.2 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 the written notification to the **owner** that the permit is ready to be issued;
 - 11.2.3 when an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 11.3 The **owner** may obtain a refund of the permit fees set out in Schedule "A" when a permit is surrendered and cancelled before any construction begins, provided:
 - 11.3.1 the refund shall not include the plan processing fee paid pursuant to section 11.2 of this Bylaw; and
 - 11.3.2 no refund shall be made where construction has begun or an inspection had been made.
- 11.4 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" shall be paid prior to additional inspections being performed.
- 11.5 For required permit inspections requested to be done after the hours during which the offices of the Village 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".
- 11.6 An inspection charge, as set out in Schedule "A", 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.

12. BUILDING PERMITS

- 12.1 When:
 - 12.1.1 a completed application including all required supporting documentation has been submitted;

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- 12.1.2 the proposed work set out in the application conforms with the **Building Code**, this Bylaw and all other applicable Bylaws and enactments;
 - 12.1.3 the **owner** or his or her representative had paid all applicable fees set out in section 11.1 of this Bylaw;
 - 12.1.4 the **owner** or his or her representative had paid all the charges and met all requirements imposed by any other enactment or Bylaw;
 - 12.1.5 no enactment, covenant, agreement, or regulation in favour or, or regulations of, The Village authorizes the permit to be withheld;
 - 12.1.6 the **owner** has retained a professional engineer or geoscientist if required by the provisions of the Engineers and Geoscientists Act;
 - 12.1.7 the **owner** has retained an architect if required by the provision of the Architects Act; a **building official** shall issue the permit for which the application is made.
- 12.2 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued unless the **owner** provides evidence pursuant to section 30 (1) of the Homeowner Protection Act that the proposed **building**:
- 12.2.1 is covered by home warranty insurance, and
 - 12.2.2 the **constructor** is a licensed residential builder.
- 12.3 Section 12.2 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 Homeowners Protection Act.
- 12.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
- 12.4.1 the work authorized by the permit is not commenced within 12 months from the date of issuance of the permit; or
 - 12.4.2 work is discontinued for a period of 12 months.
- 12.5 A **building official** may extend the period of time set out under section 12.4.1 and 12.4.2 where construction has not been commenced or where construction had been discontinued due to adverse weather, strike, material or labour shortages, or similar hardship beyond the **owner's** control.
- 12.6 A **building official** may issue permits for different stages of construction in the form prescribed by the Municipality prior to the issuance of a building permit.
- 12.7 A **building official** may issue a building permit in the form prescribed by the Municipality.
- 12.8 Fire Safety Planning – prior to issuance of a building or demolition permit, a fire safety plan as per Division B, Section 5.6.1.2(1) of the BC Fire Code shall be prepared for the site and submitted to the **Building Official**.

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- 12.9 When a site has been excavated under a staged permit and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.4, 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 Village to do so.

13. PLUMBING PERMITS

- 13.1 Except as provided in Sentence (4) a plumbing system shall not be constructed, extended, altered, renewed or repaired unless a plumbing permit to do so has been obtained.
- 13.2 Plumbing permits shall be issued only to:
- (a) a licensed plumbing contractor;
 - (b) a person to do work in a building, owned by him and occupied by him only as his domestic domicile, provided that he has satisfied the authority having jurisdiction that he is competent to perform such work.
- 13.3 A plumbing permit shall not be transferrable.
- 13.4 A plumbing permit is not required when:
- (c) a stoppage in the drainage system is cleared;
 - (d) a leak is repaired in a water distribution system;
 - (e) a fixture is replaced without any change to the drainage system; or
 - (f) a replacement is made to existing faucets, service water heater, valves or pipes and fittings in a water distribution system.
- 13.5 When a permit is required the work shall not be covered until the system has been tested and inspected. If any part of the system is not approved after it has been inspected or tested, the **owner** shall make any alteration or replacement that is necessary and the work may be subjected to further inspection or testing.
- 13.6 Inspection of new plumbing installations:
- 13.6.1 prior to calling for a plumbing inspection, all drains and vents should be completed and the system filled with water up to the roof or to the highest point of connection to an existing vent. The inspector will then certify that the system does not leak and that it is constructed in accordance with the applicable requirements. Air tests are acceptable.
- 13.7 Final inspection:
- 13.7.1 prior to the final inspection, all fixtures and equipment shall be installed and ready for use. If a fixture has been roughed-in for future use, the outlet shall be sealed with an approved plug or cap.

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- 13.8 Connections to potable water systems shall be designed so that non-potable water, foreign matter, foreign chemicals or substances that may render the water non-potable cannot enter the system.
- 13.9 A **building official** may issue a plumbing permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information had been provided to the Village to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and the permit fee applicable to that portion of the **building** or **structure** has been paid. The issuance of the permit notwithstanding, the requirements of this Bylaw apply to the remainder of the **building** or **structure** as if the permit for the portion of the **building** or **structure** had not been issued.
- 13.10 Any building that is connected to the Village water system, must have a water meter installed, at the expense of the **owner**, prior to **occupancy** of the **building** and such meter shall be placed in a location that is acceptable to the **Building Official** so it can be easily read by Village officials.
- 13.11 Traps and interceptors – Fixtures discharging sewage that includes fats, oils, grease or grit located in public kitchens, restaurants or any other applicable **occupancy** must be equipped with the appropriate trap or interceptor, complying with Part 7 of The **Building Code**.

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** 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.

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 the **Building Code**.
- 15.2 Prior to the issuance of a final **inspection services** report for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with sections 10.1.10, 10.2.5 or 15.1 of this Bylaw, the **owner** shall provide The Village with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in the **Building Code**.
- 15.3 When a **registered professional** provides letter of assurance in accordance with sections 9.1.11, 10.1.10, 10.2.5 14.1 or 14.2 of this Bylaw, he or she shall also provide proof of professional liability insurance to the **building official** in the form as prescribed by the municipality.

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- 15.4 Flood Regulations: In areas susceptible to damage by flood water, a report outlining flood mitigation requirements, prepared by a qualified professional with experience in geotechnical study and geo-hazard assessments must be submitted to the **building official** prior to any construction being performed on site or any permit being issued.

16. RESPONSIBILITY 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** 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 on the permit.
- 16.3 Every **owner** to whom a permit is issued shall, during construction:
- 16.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 16.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 16.3.3 post the civic address on the property in a location visible from any adjoining streets.

17. INSPECTIONS

- 17.1 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11, 10.1.10, 10.2.5, 15.1 or 15.2 of this Bylaw, the Village 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 **Registered professional field review** reports must be submitted to the **building official** within seven (7) days of the occurrence.
- 17.3 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**.
- 17.4 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 a substantial conformance with those portions of the **Building Code**, this Bylaw and any other applicable enactment concerning safety.
- 17.5 The **owner** or his or her representative shall give at least seventy-two (72) hours' notice to the Village when requesting an inspection and shall obtain an inspection and receive a **building official's** acceptance of the following aspects of the work prior to concealing it:
- 17.5.1 installation of perimeter drain tiles and damp proofing, prior to back filling;

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- 17.5.2 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - 17.5.3 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - 17.5.4 the framing and sheathing; after the installation of the rough in plumbing system and rough in electrical;
 - 17.5.5 insulation and vapour barrier;
 - 17.5.6 when the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- 17.6 No aspect of the work referring in section 17.4 of this Bylaw shall be concealed until a **building official** has accepted it in writing.
- 17.7 The requirements of section 17.5 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 9.1.11, 10.1.10, 10.2.5, 14.1 or 14.2 of this Bylaw.

18. FINAL INSPECTION

- 18.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** unless all life safety systems are complete and a final inspection has been issued in the form of an **inspection services** report granting interim **occupancy**.
- 18.2 A final inspection shall not be issued unless:
- 18.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 10.1.10, 10.2.5, 14.1 and 14.2 of this Bylaw.
 - 18.2.2 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 17.5 of this Bylaw.
- 18.3 A **building official** may issue a final inspection 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. BUILDINGS

- 19.1 Building design must comply with Schedule "D" of this Bylaw:
- 19.1.1 factory built housing and components must be certified by Canadian Standards Association (CSA) prior to placement on site.
- 19.2 All roofing to be class A (wood roofing materials will not be permitted under any circumstances).

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- 19.3 All soffits to be of aluminum or ¾" thick wood. All soffit and gable vents to be metallic, with no openings larger than 3mm.
- 19.4 **Reasonable Grade** to be established around all single family and duplex dwellings, per Schedule "B".
- 19.5 A 10m **defensible** zone to be constructed and maintained around all residential buildings adjacent to forested land and subject to the threat of wildfire, per Schedule "C".

20. RETAINING STRUCTURES

- 20.1 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.

21. SWIMMING POOLS

- 21.1 Fence and Gate Design and Construction:

- 21.1.1 the entire area of an **outdoor swimming pool** shall be protected by a fence, building wall or enclosure that can prevent access by unauthorized persons, and its height above the outside ground level shall be not less than:
- (a) 1.8m for a **private swimming pool**, and
 - (b) 2.0 m for all other **swimming pools**.
- 21.1.2 an opening for access through a fence around a **swimming pool** or **private swimming pool** shall be protected by a gate that is:
- (a) the same height as the fence;
 - (b) equipped with a self-closing device;
 - (c) equipped with a self-latching device on the inside of the gate located not less than 1.5 m above the ground level;
 - (d) capable of being locked.
- 21.1.3 the fence and gate around a **swimming pool** or a **private swimming pool** shall be constructed so that all the horizontal and diagonal members are located on the **swimming pool** side.
- 21.1.4 barbed wire shall not be used on or as a fence or gate around a **swimming pool** or **private swimming pool**.
- 21.1.5 no device shall be installed on or adjacent to a fence or gate around a **swimming pool** or **private swimming pool** that could cause electric current to pass through the fence or gate.
- 21.1.6 a fence is not required around any portion of an outdoor **private swimming pool** if the top of the outside wall of the private swimming pool is not less than 1.8 m above the level of the ground outside the wall and the wall is constructed so that

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the only means of access to the *private swimming pool* is through a gate or similar facility.

22. PERMITS

- 22.1 A relocation permit shall be in the form prescribed by the Municipality.
- 22.2 A demolition permit shall be in the form prescribed by the Municipality.
- 22.3 A fireplace and chimney permit shall be in the form prescribed by the Municipality.
- 22.4 A building permit shall be in the form prescribed by the Municipality.
- 22.5 A plumbing permit shall be in the form prescribed by the Municipality.
- 22.6 A fire sprinkler permit shall be in the form prescribed by the Municipality.

23. PENALTIES AND ENFORCEMENT

- 23.1 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.
- 23.2 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.
- 23.3 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 prescribed by the Municipality.
- 23.4 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**.
- 23.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this Bylaw a **building official** may post a Do Not Occupy notice in the form prescribed by the Municipality on the affected part of the **building** or **structure**.
- 23.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this Bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- 23.7 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 thirty (30) days, pay an additional charge equal to 50% of the building permit fee prior to obtaining the required building permit.

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24. SEVERABILITY

24.1 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.

25. FORMS AND SCHEDULES

25.1 Schedules "A" through "D", will be amended from time to time by Municipal Council.

26. REPEAL

This bylaw repeals "Village of Pemberton Building Bylaw No. 673, 2011" and its amendments.

READ A FIRST TIME this 20th day of March, 2012.

READ A SECOND TIME this 20th day of March, 2012.

APPROVED BY THE MINISTER RESPONSIBLE FOR HOUSING PURSUANT TO SECTION 9 (1) (d) of the Community Charter this 8TH day of May, 2012.

READ A THIRD TIME this 5th day of June, 2012

ADOPTED this 19th day of June, 2012.

Mayor

Corporate Officer