

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

**Agenda** for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, June 11, 2019 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 192.

*“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010.”*

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Item of Business	Page No.
<b>1. CALL TO ORDER</b>	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
<b>2. APPROVAL OF AGENDA</b>	1
<b>Recommendation:</b> THAT the Agenda be approved as presented.	
<b>3. ADOPTION OF MINUTES</b>	
<b>a) Committee of the Whole Meeting No. 191, Tuesday, May 28, 2019</b>	2
<b>Recommendation:</b> THAT the minutes of the Committee of the Whole Meeting No. 191, held Tuesday, May 28, 2019, be adopted as circulated.	
<b>4. DELEGATIONS</b>	
<b>a) Pemberton Wildlife Association – Allen McEwan, President, and Greg Ferguson, Project Coordinator</b>	
<b>i. Wildlife and Habitat Projects Update</b>	4
<b>ii. Illegal Dumping</b>	7
<b>b) First Nations Approach to the Circle of Life - Vern Shanoss, In-SHUCK-ch Elder, Sachteen Community</b>	
<b>5. DRAFT BUILDING BYLAW PRESENTATION</b>	17
<b>Recommendation:</b> THAT the Committee of the Whole provide comment regarding the draft Building Bylaw;	
<b>AND THAT</b> the Committee of the Whole recommend to Council that Staff proceed with community and stakeholder engagement as part of the process of adopting the <i>Energy Step Code</i> .	
<b>6. ADJOURNMENT</b>	

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

**Minutes** for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, May 28, 2019 at 1:00 p.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 191.

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**ATTENDING:** Mayor Mike Richman  
Councillor Ryan Zant  
Councillor Ted Craddock  
Councillor Amica Antonelli  
Councillor Leah Noble

**STAFF:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Wendy Olsson, Executive Assistant  
Tom Csima, Manager, Operations & Projects  
Lisa Pedrini, Manager, Development Services  
Faruq Patel, Chief Building Official  
Gwendolyn Kennedy, Building & Planning Clerk  
Matt Rempel, GIS/Planning Technician

**PUBLIC:** 0

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**1. CALL TO ORDER**

At 1:04 p.m. Mayor Richman called the May 28, 2019 Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

**2. APPROVAL OF AGENDA**

Moved/Seconded  
**THAT** the agenda be approved as circulated.  
**CARRIED**

**3. ADOPTION OF MINUTES**

**a) Committee of the Whole Meeting No. 190, Tuesday, May 7, 2019**

Moved/Seconded  
**THAT** the minutes of Committee of the Whole Meeting No. 190, held Tuesday, May 7, 2019, be adopted as circulated.  
**CARRIED**

#### 4. DELEGATIONS

##### a) First Nations Traditional Territory – Johnny Jones, Lil’wat Nation Cultural Technician

Mr. Jones provided an overview of the history of the Lil’wat Nation and the traditional territories within the Sea to Sky Corridor. The presentation included stories related to significant events that took place over time, identification of spiritual and important locations for the Lil’wat Peoples and work that is on-going to record and preserve the history and culture of the Lil’wat Peoples.

#### 5. ADJOURNMENT

Moved/Seconded

**THAT** the Committee of Whole be adjourned at 1:40 p.m.

**CARRIED**

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

# Bat Conservation Pemberton

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## Background

Bats are ecologically, socially, and economically important, with BC having the richest diversity in Canada (16 species). Yet they and their habitats are at risk, with half of BC's species of conservation concern. Very little is known about the presence, distribution, and abundance of bats and their habitats in the Pemberton area. Action is needed to resolve these conditions and conserve bats and their habitats given their status and importance.

## Goal

Increased understanding and appreciation of bats and their habitats and community involvement in stewardship and conservation activities in the Pemberton area.

## Community Support

- All stakeholders interested in the goal of this project are asked to share project information and get in contact with us to become involved in shared stewardship activities.
- Landowners and others (e.g., governments, businesses) are asked to report bats on their property (e.g., bats roosting in buildings, boxes, or trees, dead bats) and support inventory and monitoring (i.e., counts) as part of [BC's Bat Community Roost Count Program](#).
- Volunteers are being sought to help monitor bat roosts and help conduct surveys under the [North American Bat Monitoring Program](#) to define the presence, relative abundance, and distribution of bats in the Pemberton area, acting as a baseline of bat 'health'.
- All stakeholders are asked to contact us if they have any questions or concerns about bats or their habitats.

## Focal Area

Pemberton area, encompassing the Lillooet, Birkenhead, and Gates River watersheds (e.g., Mount Currie, D'Arcy). Activities will focus on residential, rural, and wilderness areas.

## Participants

Citizens and landowners (e.g., private, governments, businesses) with an interest in understanding and conserving bats and their habitats in the Pemberton area. Potential landowner benefits of conserving bats and their habitats include wildlife viewing opportunities, enhanced aesthetics, higher property values, long-term investment, leaving a family legacy, tax credits (e.g., [ecological gifting](#)), and increasing ecosystem services (e.g., pest control, pollination).

## Further Information

If you or another citizen, landowner, or business you know is interested in this project, please contact Greg Ferguson of the Pemberton Wildlife Association at [wildlife@pembertonwildlifesociety.com](mailto:wildlife@pembertonwildlifesociety.com)

# Conserving Bird Species at Risk in Pemberton

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## Background

Ensuring the health of species and the habitats they depend on is communal responsibility and of benefit to use all. British Columbia has the greatest biodiversity of any Canadian province<sup>1,2</sup> but also the most species at risk<sup>3</sup>. Unfortunately the location, status, and needs of many of these species and ecosystems are unknown. Without this information, little can be done to help conserve and recover them together.

## Goal

Undertake hands-on outreach, inventory, monitoring, and research activities to increase our understanding, appreciation, and conservation of Western Screech-Owl, Great Blue Heron, Swallows, and Common Nighthawk (i.e., target species) and their habitats in the Pemberton area.

## Community Support

- All stakeholders interested in the goal of this project are asked to share project information and get in contact with us to become involved in shared stewardship activities.
- All stakeholders are asked to report sightings of target species, particularly Great Blue Herons and Swallows.
- Landowners and others (e.g., governments, businesses) are asked to report any of the target species that use their property (e.g., nesting, foraging) and support monitoring and stewardship.
- Volunteers are being sought to help with field surveys, monitoring, and research activities.
- All stakeholders are asked to contact us if they have any questions or concerns about target species or their habitats.

## Focal Area

Pemberton area, encompassing the Lillooet, Birkenhead, and Gates River watersheds (e.g., Mount Currie, D'Arcy). Activities will focus on residential, rural, and wilderness areas.

## Participants

Citizens and landowners (e.g., private, governments, businesses) with an interest in understanding and conserving these bird species and their habitats in the Pemberton area. Landowner benefits of conserving these bird species and their habitats include emotional and psychological, wildlife viewing opportunities, enhanced aesthetics, higher property values, long-term investment, leaving a family legacy, tax credits (e.g., [ecological gifting](#)), and increasing ecosystem services (e.g., pest control).

## Further Information

If you or another citizen, landowner, or business you know is interested in this project, please contact Greg Ferguson of the Pemberton Wildlife Association at [wildlife@pembertonwildlifesociety.com](mailto:wildlife@pembertonwildlifesociety.com)

# Nature Stewards Pemberton

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## Goal

Encourage landowners to be more active in understanding, stewarding, and improving wildlife and habitat on their property.

## Community Support

Support landowners (e.g., private, government, business) in being environmental stewards through activities such as education/information sharing, inventory and monitoring, habitat restoration or enhancement, and sustainable species and land conservation practices.

## Priorities

- Maintaining and restoring critical habitats (e.g., streams, wetlands, riparian areas, forests, old fields).
- Connecting habitats (e.g., hedge rows, removing barriers, filling gaps, providing corridors).
- Reducing or eliminating impacts/threats (e.g., invasive species, pollution, disturbance).
- Understanding and conserving species of concern.
- Enhancing ecological services (e.g., water quality, clean air, pollination) and biodiversity.
- Providing information about species and fostering shared stewardship and sustainability.

## Focal Area

Pemberton area, encompassing the Lillooet, Birkenhead, and Gates River watersheds (e.g., Mount Currie, D'Arcy). Activities will focus on residential, rural, and wilderness areas.

## Participants

Landowners (e.g., private, governments, businesses) with an interest in conserving or improving wildlife and habitat on their property, with a focus on the program's priorities and focal area. Potential landowner benefits include wildlife viewing opportunities, enhanced aesthetics, higher property values, long-term investment, leaving a family legacy, tax credits (e.g., [ecological gifting](#)), and increasing ecosystem services (e.g., water and air quality, pollination, soil formation, carbon sequestration).

## Process

Landowner participation is limited by funding and the program's priorities. Landowners contact the program to discuss their interests, followed by an on-site meeting to evaluate their property and stewardship activities. If the landowner's interests and site align with the program and its priorities, then further discussion will occur around necessary support, actions, and implementation. Prior to on-the-ground activities, interested landowners are required to sign a non-legally binding Stewardship Agreement that outlines the work to be done and sets out the stewardship expectations of both the program and the landowners into the future.

## Further Information

If you or another landowner you know is interested in this program then please contact Greg Ferguson with the Pemberton Wildlife Association at [wildlife@pembertonwildlifesociety.com](mailto:wildlife@pembertonwildlifesociety.com)

## *Pemberton & Area- Illegal Dumping*

Prepared by Sue Maxwell for the Pemberton Wildlife Association

### **What is the issue?**

Illegal dumping and littering on public land around Pemberton.

### **Why is this a problem?**

It is a sign of poor land stewardship and lack of respect and care for the environment. It is contrary to the "Leave No Trace" ethic that the Pemberton Wildlife Association (PWA) and others promote. It is unsightly, can introduce and spread invasive species and can create problems for wildlife. In some cases, it can pollute an area or provide fuel for wildfires. Clean-up costs can be high.

### **Why does this happen?**

It may be hard to get valid information from the perpetrators; however, a 2017 Recycling Council of BC report cited the main factors as convenience, cost savings/avoidance and lack of awareness. Once an area is seen to be used as a dumping space, other people may add to the pile. Thus, it may be useful to report and to clean up sites as soon as the first dumping happens. In some cases, a lack of access to appropriate solutions may be an issue.

### **What is being dumped and where?**

In April 2018, the Pemberton Wildlife Association hosted a volunteer clean up with support of the Squamish-Lillooet Regional District (SLRD) staff at the Green River site (the SLRD also waived the tipping fees). The club paid for a 6 yard bin from Carneys and tipping fees at the Whistler Transfer Station for the mattresses with a total cost of \$2000 for the clean-up, not including in-kind expenses from the PWA and partners (SLRD, Lillooet Forestry Ventures). The key materials found were:

- Yard waste (possibly from landscaping companies as well as home owners)
- Large appliances
- Mattresses (12 removed)
- Car and truck tires
- Metal (7000 lb) -included roofing, siding, construction materials, car frames, bike frames
- Drywall -handled by the SLRD
- Beverage containers
- Pallets
- Single use propane tanks
- Household waste (mixed)

A visit to the site one year later shows that the site remains much improved, however, yard waste is continuing to be deposited at the location. It was felt that the last pattern of activity started with the dumping of yard waste and progressed to other materials once it appeared that this was a dumping site so this fresh material is of concern. A number of invasive species (e.g., burdock, field bindweed, policeman's helmet, lady's-thumb, *Vinca* sp., and old man's beard / traveller's joy) are present at the site.

Observations elsewhere in Area C show that illegal dumping is widespread, including at Owl Creek and beyond the stock car track on the road to the Mount Currie trail, but in smaller amounts than at the

Green River site. Around the Pemberton Meadows, there is less illegal dumping but numerous empty beer cans and garbage along the roads.

## What are other areas doing?

The 2017 RCBC report noted that the response of other areas may include:

- Tracking the reports and types of items
- Increased monitoring of known sites
- Cleaning up problem sites or assisting other groups to clean up; waiving tipping fees for clean ups
- Offering large item pick up (on demand or on special days, usually urban areas with street side dumping problems of large items where people may not have vehicles suitable to moving items)
- Work with product stewardship programs for collection events or on illegally dumped items
- Arranging or supporting community swap meets (usually urban areas where “free” items may be left at the curb)
- Provide information resources on where to take items
- Provide information resources on how to report illegal dumping
- In addition, some Regional Districts such as the TNRD, RDNO, Cariboo, RDOS and RDEK are offering free disposal of yard waste (with some restrictions) to encourage composting and diversion from landfill.

## Local actions to date

Several actions have been taken to date. The PWA raised this issue at an SLRD meeting in January 2018. The PWA hosted a volunteer clean up with support of SLRD staff at the Green River site. A side road at the Green River site was closed off and this area has remained clean as a result of this form of access management. PWA leadership has met with both Area C Director Russell Mack and Mike Richman, Mayor, Village of Pemberton and has assisted in putting up SLRD signs at key known illegal dumping spots or road entrances. In addition, PWA has put up its own signage and has put in trail cameras in some locations. The Conservation Office Service has been contacted when dumping has been witnessed and are patrolling those areas but COS staff need to travel from Squamish or Whistler. In addition, locals are paying closer attention to those vehicles that look likely to be dumping materials.

There are “bylaws in place throughout the SLRD prohibiting illegal dumping but enforcement is challenging “(SWRMP, 2016). The plan recommends developing a region-wide strategy to work with the collective resources. The plan notes the strategy should include a survey on what materials and where, targeted outreach campaigns, a reporting mechanism, signage and establishing enforcement capacity. These actions were targeted for 2017 and 2018 but it is acknowledged that a full staffing complement was not maintained at this time. A budget of \$19,000 was set aside in the SLRD 2017-2021 financial plan. The SLRD has a website that contains information on where to dispose of materials as well as on how to report illegal dumping. The SLRD has also committed to conducting a survey to determine the requirements of the new Pemberton Waste Transfer Station. The SLRD also has a solid waste communications strategy and could consider making illegal dumping one of the next communications targets.

## Possible strategy components

The PWA would like the SLRD to develop the illegal dumping strategy noted in the SWRMP. Below are some components that relate to the local situation.



### Understand

- Understand why is the material being dumped, what is being dumped, where it is being dumped, and why is it being dumped at those sites. Possible data gathering methods: survey, talking to PWA club members and others who are out on the land, track material/product types and number. Use this information to develop or change the strategy.
- Monitor both known sites and appropriate disposal sites. Check to see if material is no longer going to the known sites, is it going to the correct sites or has it moved to a new illegal site. Analyze where the material goes and where it does not -usually it is dumped closer to the point of generation.

### Convenience

- Make the transfer station location as convenient as possible. It should be noted that in the past the transfer station was at the junction of the highway and Pemberton Portage Road. Now it is located 6.1 km further to the northeast. The Green River dumping site is 4.5 km from the original transfer station site. Many Pemberton residents will travel south and use Whistler's depots but fewer may travel north in their regular patterns. A 2011 one day survey showed 13% of Whistler depot users were from Pemberton.
- Work to ensure the facilities are open at suitable times. Determining the times could be part of the survey on the transfer station. As Pemberton grows, the hours may need to be extended to avoid frustrating residents who are doing the right thing with their waste.
- Work to have a local option for reuse through a reuse it and/or rebuild it centre. Until that can happen, consider a community swap event to encourage reuse.
- Ensure there are local options for recycling or disposal. This can be through expanding the options available at the Transfer Station (such as adding a yard waste bin), encouraging the province to add new products to the BC Recycling Regulation (particularly mattresses, drywall and construction material) and working with the Province and existing product stewardship programs to improve the existing programs (namely beverage containers, tires and large appliances). Improvements can be on ensuring a local depot for the products, working to remove fees at the transfer station for regulated product and increasing public awareness of the programs.
- Where gaps exist in services, look for ways to provide temporary service. This could be through a collection or drop off day. It may be possible to work with allies such as Sea to Sky Soils to develop options for yard waste or product stewardship programs for specific products.
- Make it less convenient to illegally dump -this may be through access management to certain back roads or by placing cameras at known hot spots. It could also be through increased patrols and enforcement by appropriate authorities (Conservation Officer Service, Natural Resource Officers and others). Another option could be to require landscaping companies to file annual solid waste plans and to show their receipts from the previous year for tipping fees.
- Consider drinking driving checks occasionally on back roads with a lot of littered alcoholic beverage containers

### Cost savings/avoidance

- As noted above, work with product stewardship programs to remove fees at the Pemberton Transfer Station for regulated products.
- Highlight that there are no fees to drop off car and truck tires at the Tire Stewardship BC sites noted in Appendix A
- When considering solutions, note that driving time and staff time are also costs when accessing disposal sites.
- Use fines wherever possible for illegal dumping

### Awareness

- Provide and enhance education on where many common materials can go
- Provide information for people who may need it based on the data gathered -possibly for when people are moving, working on DIY projects, gardeners, landscapers
- Use social media and other media to promote alternatives
- Set the social norm as responsible handling of waste
- Keep posting signs at dumping hot spots as they arise
- Promote the reporting to the RAPP number as well as what details are needed. Other apps of note are the BC Wildlife Federation and Report a Weed ones.
- Highlight successful prosecutions of illegal dumping

### Clean Ups

- Assist local groups to clean up
- Have tipping fees waived by SLRD and municipal partners for voluntary clean ups (note that the tipping fee bylaw for Pemberton and SLRD area C waives the fee for cleanups provided approval is given by the Administrator before the event but the Resort Municipality of Whistler does not have this measure).
- Gather the data from clean ups
- Map out hot spots with partners

### Partnerships

- Consider allies who may wish to help:
  - Observance -Dog walking companies, Pemberton Wildlife Association, Conservation Officer Service, Natural Resource Officer, forestry, other groups out on the land
  - Policy, business license, provision and promotion of options -SLRD, Resort Municipality of Whistler, Village of Pemberton, etc.
  - First Nations -Lil'wat Nation -concern around Owl Creek site, also forestry operation may be able to close FSR access to problem sites if roads not needed
  - Access managers -FLNRO, other forestry companies, BC Hydro
  - Environmental aspects -Stewardship Pemberton and Sea to Sky Invasive Species Council
  - Crown Land, regulations -Province (Ministry of Environment, FLNRO, etc)
  - Reuse/Thrift options – Sea to Sky Community Services, others
  - Yard Waste -Sea to Sky Soils - looking at separate bin for invasive species, willing to explore collaboration with local governments to resolve illegal dumping problems; landscaping companies
  - Advocacy -could include any of the above. Note that the BC Product Stewardship Council advocates on behalf of regional districts regarding Extended Producer Responsibility programs. The SLRD is a member.
- Consider the use of the Plan Monitoring Advisory Committee or a task force to coordinate work on this issue

### Possible roles of Pemberton Wildlife Association

- Can help with eyes and ears on the ground and reporting
- Physical clean up and signage
- Advocacy for prevention
- Applying for grants to assist

Note that more detailed suggestions by material or product are included in Appendix A

## Appendix A -Specific Actions by Material or Product

Product/Material	Current Option	Cost	Possible Actions
Yard waste -commercial	<p>Not accepted at PTS</p> <p>Sea to Sky Soils accepts (Tues- Fri 730-430, Sat 9-4, closed Sun/Mon). May get an invasive species bin.</p> <p>Callaghan Transfer Station (9-5 daily)</p>	<p>\$65/t, \$15 min, contractor pricing available</p> <p>\$30/t, \$30/t for invasives if certified or \$140/t</p> <p>Driving time and hours of operation may be factors if landscaping truck emptying happens at end of day</p>	<p>Require landscaping companies to file solid waste plans with business licenses. Could ask them to show tipping receipts from previous year.</p> <p>Work with Sea to Sky Invasive Species Council to encourage all companies to be Invasive-Free Certified (their certification program includes disposal practices). If space could be found, allow companies to use yard waste bins but for a fee that covers the costs (and they would save the driving time).</p>
Yard waste -residential	<p>Not accepted at PTS</p> <p>Sea to Sky Soils</p> <p>Nesters Depot in Whistler -not meant for non-residents but likely some material may be going there</p>	<p>\$65/t, \$15 min</p> <p>Free</p>	<p>Find space to allow yard waste to be accepted at PTS (may require expanded or new site).</p>
Large appliances	<p>Accepted at PTS and PRC</p>	<p>\$25 for fridge, freezer, A/C</p> <p>\$15 for stove, washer, dryer, hot water heater, dishwasher</p>	<p>Work with Major Appliance Recycling Roundtable (MARR) to compensate the SLRD for costs so there is no charge to the end user; failing that, work with provincial government, possibly with the BC Product Stewardship Council, to ensure the MARR is meeting the Recycling Regulation obligations.</p>

	Callaghan Transfer Station	\$25 for fridge, freezer, A/C, free for others	Support a Reuse It/ReBuild it Centre in Pemberton for items that can be reused.
Mattresses	Not accepted at PTS  Pemberton RONA was taking them if in good condition but no longer  Whistler Reuse it Centre may take them if in good condition  Callaghan Transfer Station (9-5 daily)	\$20/mattress	Lobby province to include mattresses in the Recycling Regulation. Note that Metro Vancouver has requested this as well and a UBCM resolution on this was passed in 2014.  Note that Carney's, SLRD and RMOW websites have three different prices. Work with SLRD Plan Monitoring Advisory Committee to ensure information is up to date.  Support a Reuse It/ReBuild it Centre in Pemberton for items that can be reused.
Car and truck tires	Accepted at PTS  Black's Hot Wheels Spierings Automotive	No cost noted on recycling guide but tipping fee schedule notes \$8/tire, \$25 per tire with rim.  Free Free	Work with Province and Tire Stewardship BC to compensate the SLRD for costs so there is no charge to the end user at local transfer stations.
Metal -included roofing, siding, construction materials, bike frames	Bulk metal accepted at PTS  If reusable, Whistler Rebuild It Centre  Allied Scrap Metal - Squamish	\$8 per m <sup>3</sup> , \$5 minimum  Free  Free	Support a Reuse It/ReBuild it Centre in Pemberton for items that can be reused.
Metal -car frame	BC Scrap- It Program (nearest location -Surrey)	If qualify, can get rebate of up to \$6000	Increase awareness of existing options.

	Retire Your Ride  Car Heaven or Kidney Car Program (Nearest drop off is Squamish)	May offer pick up and cash  The car donation goes to charity -tax receipt given.	
Drywall	Not accepted at PTS  Callaghan Transfer Station (9-5 daily) -must be date stamped after 1990 or if tested.	\$290/t	Lobby province to include drywall in the Recycling Regulation. Note that a UBCM resolution on this was passed in 2018.
Construction waste (not drywall or treated wood)	PTS -if sorted, household only  If reusable, Whistler Rebuild It Centre  Callaghan Transfer Station (9-5 daily) -not meant for non-residents but noted as location by SLRD  Carney's if larger amounts	\$23/m <sup>3</sup> , \$6 minimum, penalty if not sorted  Free  \$140 /t -construction \$80/t construction wood  varies	Support a Reuse It/ReBuild it Centre in Pemberton for items that can be reused.  Lobby province to include construction and demolition materials in the Recycling Regulation.  Note that BC committed to looking at solutions for this material when approving the Canada-wide Action Plan for EPR.
Beverage containers	retailers of the drink (limits may apply, full refund) PRC (full deposit refund on non-alcoholic beverage containers, but partial on alcoholic beverage containers)	No cost -deposit returned 5-20 cents per container	Lobby provincial government to increase deposit rates and ensure full deposit is returned from depots

	PTS (no deposit return)		
Pallets -clean wood	PTS -household only	\$8/m <sup>3</sup> , \$5 minimum	
	Callaghan Transfer Station	\$30/t	
Household waste (mixed)	Pemberton Transfer Station	\$1 for small bag, \$2 for a large one >40 L, \$17/m <sup>3</sup> , penalty if includes recyclables Free if from a community clean up	
	Large loads must go to the Callaghan Transfer Station		

PTS =Pemberton Transfer Station -in Industrial park, open Mon, Wed, Fri: 12-7 pm Sat & Sun: 10 am to 5 pm; no commercial waste PRC  
=Pemberton Recycling Centre (Bottle Depot) -in Industrial park, open Tues-Sat: 930 am -430 pm

## Appendix B -References

BC Government -Frequently Asked Liquor Questions

<https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-law-policy/liquor-policy-frequently-asked-questions>

BC Government Recycling Regulation

<https://www2.gov.bc.ca/gov/content/environment/waste-management/recycling>

BC Environmental Management Act

[http://www.bclaws.ca/civix/document/id/lc/statreg/03053\\_11](http://www.bclaws.ca/civix/document/id/lc/statreg/03053_11)

Canadian Council of Ministers of Environment -Canada-wide Action Plan for EPR

[https://www.ccme.ca/files/current\\_priorities/waste/pn\\_1499\\_epr\\_cap\\_e.pdf](https://www.ccme.ca/files/current_priorities/waste/pn_1499_epr_cap_e.pdf)

Carney's -Pemberton Recycling

<https://static1.squarespace.com/static/5106d80fe4b0807d1f05338e/t/570d5d829f7266ca3ceee42d/1460493700104/Recycling+Chart+Pemberton+March+2016.pdf>

Carney's -Whistler Transfer Station <http://www.carneyswaste.com/whistler-transfer-station>

RAPP Online Reporting Form <https://forms.gov.bc.ca/environment/rapp/>

Recycling Council of BC -Illegal Dumping in BC

[https://www.rcbc.ca/files/u6/RCBC\\_An%20Overview%20of%20Illegal%20Dumping%20in%20BC\\_October%202017.pdf](https://www.rcbc.ca/files/u6/RCBC_An%20Overview%20of%20Illegal%20Dumping%20in%20BC_October%202017.pdf)

Regional District of Nanaimo -Illegal Dumping webpage

<https://www.rdn.bc.ca/illegal-dumping-prevention-and-enforcement>

RMOW -Transfer Station

<https://www.whistler.ca/services/waste-management/garbage/waste-transfer-station>

Sea to Sky Soils <https://www.seatoskysoils.com>

SLRD 2017-2021 Financial Plan

[https://www.slrd.bc.ca/sites/default/files/pdfs/finance/Financial\\_Plans\\_Statements/Detailed%202017-2021%20Financial%20Plan.pdf](https://www.slrd.bc.ca/sites/default/files/pdfs/finance/Financial_Plans_Statements/Detailed%202017-2021%20Financial%20Plan.pdf)

SLRD Illegal Dumping and Burning

<https://www.slrd.bc.ca/services/recycling-composting-waste-landfill/illegal-dumping-burning>

SLRD Pemberton Transfer Station Guide to Recycling

[https://www.slrd.bc.ca/sites/default/files/pictures/UES/SWRMP/Pemberton%2017x11\\_v2\\_online%20w\\_links.pdf](https://www.slrd.bc.ca/sites/default/files/pictures/UES/SWRMP/Pemberton%2017x11_v2_online%20w_links.pdf)

SLRD Pemberton Transfer Station changes

<https://www.slrd.bc.ca/inside-slrd/notices/other-notices/closer-look-recent-changes-pemberton-transfer-station>

SLRD Pemberton Waste Transfer Station

<https://www.slrd.bc.ca/services/recycling-composting-solid-waste/facilities-programs/pemberton-area-c-facilities/pemberton-waste-recycling-centre>

SLRD Pemberton and Area C Transfer Station Tipping Fee Schedule

<https://www.slrd.bc.ca/sites/default/files/pictures/UES/SWRMP/2016%20PTS%20Tip%20Fees%20for%20Website.pdf>

[SLRD Solid Waste and Resource Management Plan 2016](#)

Tire Stewardship BC <https://www.tsbc.ca/pdf/pickupdropoff.pdf>

## Appendix C Possible Fines and Charges

### EMA Section 12

#### Littering

12 (1) In this section, "public place" means

(a) a place that is open to the air, including a covered place that is open to the air on at least one side, and to which the public is entitled or permitted to have access without payment, and

(b) a park or public campground.

(2) A person must not throw down, drop or otherwise deposit, and leave litter in a public place.

(3) The prohibition in subsection (2) does not apply if the depositing and leaving was authorized by law, or was done with the consent of the owner, occupier or other person or authority having the control of the public place.

(4) In a prosecution, the burden of establishing that subsection (3) applies is on the defendant.

\$115

### EMA Part 10, Division 1

#### Offences and penalties

120 (1) A person who contravenes section 12 [littering] or 13 [discharge of waste from recreational vehicles] commits an offence and is liable on conviction to a fine not exceeding \$2 000 or imprisonment for not more than 6 months, or both.

(3) A person who contravenes any of the following commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both:

(a) section 6 (2), (3) or (4) [waste disposal];



**Date:** June 11, 2019  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Lisa Pedrini, Manager of Development Services  
Gwendolyn Kennedy, Building and Planning Clerk  
**Subject:** Draft Building Bylaw

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## **PURPOSE**

The purpose of this report is to present the draft Building Bylaw for review and comment by the Committee of the Whole.

## **BACKGROUND**

Village of Pemberton Building Bylaw No. 694, 2012 (**Appendix A**), was established prior to the Province's adoption of the *Building Act* in 2015, the *Energy Step Code* in 2017 and the *BC Building Code* in 2018. Each of these provincial regulations imposes significant changes on local government authorities to regulate buildings, creating a need to update the Village's Building Bylaw. The draft Building Bylaw (**Appendix B**) complies with the *BC Building Code*, incorporates the *Energy Step Code*, and includes other necessary updates.

## **DISCUSSION AND COMMENTS**

### **Changes to Technical Building Requirements**

In June of 2016 the provincial *Building Act* came into force with the key objective of bringing greater consistency to technical building requirements in the Province, mainly by restricting the authority of local governments to regulate technical building requirements. Local technical building regulations, such as those included in section 19 of Building Bylaw No. 694, 2012 have had no legal force since December 15, 2017.

Under the *Building Act*, local governments retain the authority to impose administrative requirements such as permits and fees. The draft Building Bylaw presented for review and comment by for the Committee of the Whole removes regulations that are no longer under the authority of local government and updates administrative requirements.

### **Energy Step Code Implementation**

The *Energy Step Code* (ESC) provides local governments with a means to improve the energy efficiency of residential building stock and to reduce greenhouse gas emissions. The ESC is a voluntary roadmap establishing progressive energy efficiency performance targets with the intent of facilitating the transition to net-zero energy buildings by 2032. The ESC differs from technical building requirements under the *Building Act* as the focus is on achieving measurable energy efficiency targets expressed as 'steps'. Builders are free to choose how to achieve each 'step'; the details of building envelope and mechanical systems are not prescribed. More information on the implementation of the ESC can be found in section C2 of the *Building Act Guide* (**Appendix C**).

The ESC consists of five steps for Part 9 (small or standard) buildings and does not yet apply to Part 3 (large or complex) buildings in Pemberton's climate zone (Zone 6). Step 1 is equivalent to current *Building Code* standards and is intended to provide builders with the opportunity to adapt to the new performance-based system that includes energy modelling and airtightness testing. Steps 2 and 3 are considered low level steps that are achievable through readily available technologies; Steps 4 and 5 are more challenging to achieve and, except in unusual circumstances, are not recommended until after 2020.

Local governments that choose to adopt the ESC must set the timeline for its implementation. The Province requires that a minimum of six months' notice be given to industry before enforcing the lower steps and 12 months' notice prior to enforcing the higher steps, but otherwise allows local governments the authority to choose the implementation timeline.

Local governments are expected to conduct public and stakeholder consultation prior to implementing the ESC. A public engagement plan is being developed to ensure that all Village of Pemberton stakeholders have an opportunity to learn about the ESC and express any concerns and suggestions.

The cost implications of the ESC are available through a report prepared for BC Housing and Energy Step Code Council (available for download at the following link: <https://www.bchousing.org/research-centre/library/residential-design-construction/energy-step-code-2017-full-report&sortType=sortByDate>). The report found that, for Part 9 buildings, incremental capital costs for achieving Step 4 in climate zones 4 to 6 are approximately 2% of the cost of construction.

Staff have presented for the Committee's consideration a timeline for adoption of the ESC (Part 23 of the draft Building Bylaw), drawn from the timelines established by the Resort Municipality of Whistler and the District of Squamish. Following Whistler's lead, this timeline omits Step 1 and goes directly to Steps 2 and 3 to simplify the process for builders. The timeline requires Step 3 compliance effective January 1, 2020 for all Part 9 residential buildings and Part 9 commercial buildings over 1,000 square feet. However, recognizing that it is more challenging for small commercial buildings to achieve energy efficiency standards, only Step 2 for Part 9 commercial buildings of less than 1,000 square feet is required at this time.

Following Squamish's lead, Staff have proposed moving to Step 4 for Part 9 residential buildings and Step 3 for Part 9 commercial buildings effective January 1, 2021. There is no plan to move beyond these steps, but the Bylaw may be amended in the future when the technologies necessary for achievement of Step 5 become more readily available and affordable.

### **Changes to Permits**

- a Foundation Permit was added to allow builders waiting for final approval of their Building Permit to begin work on the foundation; and
- a Temporary Building Permit was added.

### **Changes to Fees (Schedule A)**

Fees were increased to reflect current costs. Please see the table comparing the suggested fees with the existing fees and with fees charged by other local governments (**Appendix D**). A summary of these changes is provided below:

- building permit fees were increased to reflect current costs;
- an additional fee of \$1,000 was added to be applied to the Building Permit fee when construction work is carried out after a Stop Work order has been issued;
- plan processing fees were increased to ensure cost recovery for cases where no building permit is obtained but Staff time is used to review plans and applications. The plan processing fee is not an additional fee and is deducted from the Building Permit fee;
- security deposits were added for: construction work within ten (10) metres of Village works, for Foundation Permits, and for Temporary Building Permits;
- the construction value calculation (**Appendix A**, Building Bylaw No. 694, 2012) was removed and replaced with the following note:

*Valuation of Construction for a building or structure is the value of construction declared by the applicant on the building permit application, or if the Chief Building Official is of the view that the construction value declared is not accurate, the value based on the current edition of Marshall and Swift Residential Cost Handbook, Marshall Valuation Services, or other current valuation tables reasonably appropriate to the type of construction as determined by the Chief Building Official;*

- re-inspection and voluntary inspection fees were added;
- a fee for providing copies of large documents such as building plans was added;
- a fee for reactivation of an expired permit was added (13.7)
- a fee for extension of a permit was added (13.8)
- a fee for review of plans after issuance of a permit was added (13.9);

## **COMMUNICATIONS**

Public and stakeholder engagement regarding implementation of the *Energy Step Code*, including a pop-up information session, a builders' breakfast and an online survey, will be conducted prior to readings of the Bylaw. The dates of consultation will be confirmed shortly.

The Energy Step Code Council will be informed of the Village's intent to adopt the ESC prior to public consultation as required.

## **LEGAL CONSIDERATIONS**

The draft Building Bylaw has been reviewed by the Village's solicitors for compliance with the *BC Building Code*.

## **IMPACT ON BUDGET & STAFFING**

The preparation of the draft Building Bylaw was incorporated into the operations of the Development Services Department and does not impact budget or staffing costs.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

There are no impacts on the region or neighbouring jurisdictions. However, implementation of the *Energy Step Code* in alignment with the Resort Municipality of Whistler and the District of Squamish which will ensure that builders and home buyers face a consistent environment throughout the Sea to Sky corridor.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

Ensuring that local buildings meet *Building Code* regulations and *Energy Step Code* standards, improving energy efficiency in buildings and reducing greenhouse gas emission are part of Strategic Priority Two: Good Governance, whereby the Village is committed to citizen engagement, being an open and accountable government and fiscal responsibility, as well as Strategic Priority Three: Excellence in Service, in which the Village is committed to delivering the highest quality level municipal services within the scope of our resources.

### **RECOMMENDATIONS**

**THAT** the Committee of the Whole provide comment regarding the draft Building Bylaw;

**AND THAT** the Committee of the Whole recommend to Council that Staff proceed with community and stakeholder engagement as part of the process of adopting the *Energy Step Code*.

### **Attachments:**

- Appendix A Village of Pemberton Building Bylaw No. 694, 2012
- Appendix B 2019 Draft Building Bylaw
- Appendix C Section C2 of the *Building Act Guide*, Office of Housing and Construction Standards
- Appendix D Comparison of Fees

Submitted by:	Gwendolyn Kennedy, Building and Planning Clerk
Manager Approval by:	Lisa Pedrini, Manager of Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON**  
**BUILDING BYLAW No. 694, 2012**

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

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**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***.

## BUILDING BYLAW No. 694, 2012

“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

## BUILDING BYLAW No. 694, 2012

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**.

## BUILDING BYLAW No. 694, 2012

- 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**.



## BUILDING BYLAW No. 694, 2012

- 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".

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;

## BUILDING BYLAW No. 694, 2012

- 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**.

## BUILDING BYLAW No. 694, 2012

### 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;

## BUILDING BYLAW No. 694, 2012

- 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**.

## BUILDING BYLAW No. 694, 2012

### 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;

## BUILDING BYLAW No. 694, 2012

- 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**.

## BUILDING BYLAW No. 694, 2012

- 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.



## BUILDING BYLAW No. 694, 2012

- 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 FEILD 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.

## BUILDING BYLAW No. 694, 2012

- 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;

## BUILDING BYLAW No. 694, 2012

- 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).

## BUILDING BYLAW No. 694, 2012

- 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

## BUILDING BYLAW No. 694, 2012

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.

**BUILDING BYLAW No. 694, 2012**

**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 20<sup>th</sup> day of March, 2012.

**READ A SECOND TIME** this 20<sup>th</sup> day of March, 2012.

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

**READ A THIRD TIME** this 5<sup>th</sup> day of June, 2012

**ADOPTED** this 19<sup>th</sup> day of June, 2012.

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Mayor

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Corporate Officer

**THE CORPORATION OF THE VILLAGE OF PEMBERTON**

**SCHEDULE "A"**

**FORMING PART OF THE VILLAGE OF PEMBERTON BYLAW 694, 2012**

1. A non-refundable fee of \$150.00 for a residential construction.
2. A non-refundable fee of \$400.00 for complex buildings.
3. For each one thousand dollars (\$1000.00) or fraction thereof of the estimated value of the work covered by the permit up to an estimated value of one hundred thousand dollars (\$100000.00).

..... \$10.00

And for each one thousand dollars (\$1000.00) or fraction thereof of the estimated value of work in excess of one hundred thousand dollars (\$100000.00).

.....\$7.00

The minimum fee applicable to each permit

.....\$50.00

The estimated value of the work shall be determined by the authority having jurisdiction.

For the relocation or demolition of a building up to 2 storeys in building height

.....\$80.00

3 storeys or more

.....\$150.00

For re-inspection of faulty work, or work not ready when inspection is called for

.....\$50.00

4. Solid Fuel Burning Devices

(a) for regular inspection - first and second inspection of a solid fuel burning device which has been installed following the issuance of a permit

.....\$75.00

(b) for special inspection – first and second inspection of a solid fuel burning device which requires other than a regular inspection

.....\$75.00

(c) for each additional inspection in excess of Section 2 (a) and @ (b)

.....\$100.00

5. Valuation Schedule (*May be used at the discretion of the Building Inspector*)

(a) Single Family and Two Family Dwellings:

All floor areas	\$1205.00/sq.m.
Garages	\$ 560.00/sq.m.
Carports	\$ 345.00/sq.m.
Decks	\$ 345.00/sq.m.

\*Per B.C. Building Code Definition

(b) Multi Family Residential Buildings:

All floor areas	\$1205.00/sq.m.
Garages	\$ 560.00/sq.m.
Carports	\$ 345.00/sq.m.
Decks	\$ 345.00/sq.m.

(c) Commercial, Industrial, Institutional, and Farm Buildings:

The building value shall be contract price declared, in writing, by the owner or owner's agent, subject to the discretion of the Building Inspector to substitute another figure if the contract price specified by the owner or the owner's agent is in the opinion of the Building Inspector, incorrect.

(d) Plumbing

Fee for each fixture \$12.00/fixture

*\*Minimum permit fee of \$72.00 (6 fixtures)*



Fixtures mean a receptacle, appliance, apparatus or other device that discharges sewage or clear water waste, and includes a floor drain (B.C. Plumbing Code)

(e) Masonry

Fee for each flue	\$50.00
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(f) Outdoor Swimming Pools \$250.00

Fees shall be calculated as per the Valuation Schedule (item(c)), based on the contract price declared by the owner or owner's agent.

(g) Retaining Walls \$50.00

(h) Fire Sprinkler System \$75.00

(i) Fire Permit Fee \$75.00

(j) Excavation (Foundation) Permit \$250.00

(k) Inspections / Reports / Letters not listed shall be billed at \$75/hour with a minimum fee of \$100.00

(l) Professional Design – 10% Permit fee refund if all aspects of the building or structure are certified in compliance with the Code and final Schedule "C"s for all disciplines are submitted prior to occupancy.

THE CORPORATION OF THE VILLAGE OF PEMBERTON

SCHEDULE "B"

FORMING PART OF VILLAGE OF PEMBERTON BY-LAW 694, 2012

\*REASONABLE GRADE\*

Definitions:

*Grade* (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

*First storey* means the uppermost storey having its floor level not more than 2 m above *grade*.

*Storey* means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

*Reasonable Grade* means that pedestrian travel/access is possible around all sides of the building without any specialized knowledge or equipment. Such pedestrian travel / access paths to be a minimum of 1.2m in width and must project a minimum of 1.2m beyond the furthest structure on the lowest side of the building.

**THE CORPORATION OF THE VILLAGE OF PEMBERTON**

**SCHEDULE "C"**

**FORMING PART OF VILLAGE OF PEMBERTON BY-LAW 673, 2011**

A DEFENSIBLE ZONE is a 10 M zone (defensible space) to protect buildings from approaching wild fire and to reduce the potential for a building fire to spread to the adjacent forest and shall:

- a) Be provided by the builder and
- b) Maintained by the owner

In a DEFENSIBLE ZONE

- i) Annual grasses within 10 meters of buildings should be mowed to 10cm or less.
- ii) Ground litter and downed trees should be removed annually.
- iii) Any overstory trees retained within this zone should be away from the immediate area of the building and should be thinned and pruned to prevent fire from being carried towards the building. Remove the live and dead branches to a minimum of 2.5m (8 feet) from the ground.
- iv) Tree cover within this zone should be restricted to low flammable deciduous species. Individual trees and shrubs may be kept if the vegetation does not readily transmit fire to the building.

THE CORPORATION OF THE VILLAGE OF PEMBERTON

SCHEDULE "D"

FORMING PART OF VILLAGE OF PEMBERTON BY-LAW 694, 2012

SNOW LOAD (Ground Snow Load)

$$S_s = 5.28 \text{ KPa} = 110 \text{ lbs/sq ft}$$

$$S_R = 0.66 \text{ KPa} = 13.77 \text{ lbs/sq ft}$$

Design loads to be reduced or increased as per the engineer's design manual regarding roof line, heights and construction.

SEISMIC DATA

2% probability of exceedance in 50 years (0.000404 per annum)

Sa(0.2)	Sa(0.5)	Sa(1.0)	Sa(2.0)	PGA (g)
0.621	0.464	0.279	0.155	0.280

HOURLY WIND PRESSURES (90 mil/h gusts)

$$q_{1/50} = .559 \text{ K Pa}$$

FROST PENETRATION

Frost Penetration where applicable  
(site sensitive design parameter) = 61 cm = 24"

DEGREE DAYS <18c

4075

# VILLAGE OF PEMBERTON

## BYLAW NO. XXX, 2019

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

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**WHEREAS** the *Community Charter* authorizes the Village of Pemberton (hereafter referred to as “the Village”), for the health, safety and protection of persons 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 BC 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 BC Building Code;

**AND WHEREAS** in relation to the conservation of energy and the reduction of greenhouse gas emissions, the Village may reference and implement, in whole or in part, the Energy Step Code,

**NOW THEREFORE** the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

### **PART 1: CITATION**

- 1.1. This bylaw may be cited for all purposes as the “Village of Pemberton Building Bylaw No. XXX, 2019”

### **PART 2: DEFINITIONS**

- 2.1. 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 BC 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, First Storey, Grade, Heritage Building, High Hazard Industrial Occupancy, Major Occupancy, Mercantile Occupancy, Medium Hazard Industrial Occupancy, Occupancy, Registered Professional, and Residential Occupancy, Retaining Wall, Storey***

***Affordable Housing*** means dwelling units constructed and occupied under the terms of a registered housing agreement approved pursuant to section 483 of *the Local Government Act*.

***Affordable Rental Housing*** means rental dwelling units constructed and occupied under the terms of a registered housing agreement approved pursuant to section 483 of *the Local Government Act*.

***BC Building Code*** means the most current *British Columbia BC Building Code* as adopted by the Minister pursuant the *Local Government Act*, as amended or replaced from time to time.

**Chief Building Official** means the person appointed to this position for the *Village* and any person designated to act in the place of that person.

**Cannabis Production Facility** means a facility, licensed by the Federal Government under the *Cannabis Act* used solely for the production, manufacturing, processing, testing, packaging, and shipping of marijuana and marijuana products for medical or non-medical purposes.

**Complex Building** means a *building* categorized as a Part 3 *building* under the *BC Building Code*.

**Energy Step Code** means the energy performance standards set out in Subsection 9.36.6 of the *BC Building Code* and a reference to a numbered step in the *Energy Step Code* is a reference to a step established in that Subsection.

**Essential Services** means the services essential to the intended occupancy of a *building* or *structure* of part of a *building* or *structure*, as determined by the *Chief Building Inspector*.

**Farm Building** means a building or part thereof, which does not contain a residential occupancy or a *Cannabis Production Facility* and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed. For the purposes of this exemption, the farm building must be designed for “low human occupancy” as defined in the *National Farm Building Code of Canada* and the land must be classed as “farm” under the *Assessment Act*.

**Low Human Occupancy** means a density of less than one person per 40 square meters (430 square feet).

**Health and Safety Aspects of the Work** means design, construction, demolition or occupancy as defined in Division A Section 2.2 of the *BC Building Code*.

**Manufactured Home** means a factory built *detached dwelling unit*, certified prior to a placement on the *lot* as having been built:

- a) as a modular home in accordance with CSA A277 *building*; or
- b) as a mobile home in accordance with CAN/CSA Z240 building regulations and registered in the BC Manufactured Home Registry, arriving at the *lot* ready for occupancy apart from incidental operations and connections into a *community sewer* and *community water system*.

**National Farm BC Building Code** means the most current National Farm BC Building Code of Canada as adopted, amended or re-enacted from time to time.

**Non-Profit Housing** means housing development that a community-based, non-profit housing partner owns and operates.

**Owner** has the meaning set out in chapter 26, section 1 of the *Community Charter* and reproduced below:

*Owner means, in respect of real property,*

- a) *The registered owner of an estate in fee simple,*
- b) *The tenant for life under a registered life estate,*
- c) *The registered holder of the last registered agreement for sale,*
- d) *The holder or occupier of land held in the manner referred to in section 228 (taxation of Crown land used by others) or section 229 (taxation of municipal land used by others), and*
- e) *An Indian who is an owner under the letters patent of a municipality incorporated under section 9 (incorporation of reserve residents as village) of the Local Government Act.*

**Owner Builder** means a person who is authorized by BC Housing to build a new home for personal use.

**Plumbing Inspector** means the person appointed to this position for the Village and any person designated to act in the place of that person.

**Pool** means a structure or constructed depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground pool and hot tub.

**Reasonable Grade** means that pedestrian travel/access is possible around all sides of the building without specialized knowledge or equipment. Such pedestrian travel/access paths to be a minimum of 1.2m in width and must project a minimum of 1.2m beyond the furthest structure on the lowest side of the building.

**Solid Fuel Burning Device** means a fireplace, chimney, woodstove, or other device that burns a material to release energy, creating heat.

**Standard Building** means a building categorized as a Part 9 building under the BC Building Code.

**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 walls less than 1.2 meters in height.

**Supportive Living Housing** means a type of housing that provides on-site supports and services to residents who cannot live independently.

**Temporary Building** means a building or structure that complies with one or more of the following purposes and can be placed on a lot for a limited time:

- a) offices or storage for a construction site;

- b) relocation of a commercial, industrial or institutional use;
- c) residential sales centre on a multi-family lot;
- d) film or advertisement production;
- e) additional classroom space; or
- f) any other temporary use approved by the *Chief Building Official*.

**Village** means the Village of Pemberton.

- 2.2. If any section, subsection, sentence, clause, sub clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

### **PART 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* 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 persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:
- a) to the protection of *owners, owner builders or constructors* from economic loss;
  - b) to the assumption by the *Village* or the *Chief Building Official* of any responsibility for ensuring the compliance by any *owner*, their representatives or any employees, *constructors* or *designers* retained by him or her, with the *BC Building Code*, the requirements of this Bylaw or other applicable enactments respecting safety;
  - c) to providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a building permit or occupancy permit is issued under this bylaw;
  - d) to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the *Village* is free from latent, or any defects.

### **PART 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 their representatives from full and sole responsibility to perform the work in strict accordance with this Bylaw, the *BC 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) to carry out the work in respect of which the permit was issued in compliance with the *BC 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 *BC 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 their representatives are responsible for making such determination.

#### **PART 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 *BC Building Code* except as expressly provided herein, nor to *retaining walls* less than 1.2 meters in height.

#### **PART 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 *Chief 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 *Chief Building Official* for the *building* or *structure* or contrary to the terms of any permit issued or any notice given by a *Chief Building Official*.
- 6.3. No person shall knowingly submit false or misleading information to a *Chief 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 *Chief 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 the *Chief Building Official*.

#### **PART 7: CHIEF BUILDING OFFICIAL**

- 7.1. The *Chief Building Official* may:

- a) administer this Bylaw;
- b) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this Bylaw or electronic copies of such documents; and
- c) 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 *BC Building Code*.

7.2. The *Chief Building Official*:

- a) 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;
- b) shall carry proper credentials confirming their status as a *Chief Building Official* when entering on property;
- c) where any residence is occupied, the *Chief Building Official* must, prior to entering the residence,
  - i. obtain the consent of the occupant; or
  - ii. deliver to an occupant at least 24 hours' written notice of the proposed entry stating the reasons for entry;

7.3. The *Chief Building Official* may order the correction of any work that is being or has been done in contravention of this Bylaw.

**PART 8: APPLICATIONS**

8.1. Every person shall apply for and obtain a permit, prior to:

- a) constructing, repairing or altering a *building* or *structure*;
- b) relocating a *building* or *structure*;
- c) excavating a lot in preparation for construction of a *building* or *structure*;
- d) constructing a foundation of a *building* or *structure*;
- e) demolishing a *building* or *structure*;
- f) constructing a masonry fireplace or installing a solid fuel burning appliance or chimney;
- g) constructing or altering any plumbing system;
- h) altering the use of a *building* or *structure*;
- i) constructing, altering or relocating a fire sprinkler system, unless the fire sprinkler system has not more than two heads; or

j) installing or modifying a fire detection and alarm system in a complex building

unless the works are the subject of another valid building permit.

8.2. An application for a permit for work regulated under this Bylaw shall be made in in a form approved by the *Chief 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. Every person shall apply for and obtain a separate permit for each *building* or *structure* to be constructed or altered on a site 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**.

## **PART 9: APPLICATION FOR COMPLEX BUILDINGS**

9.1. An application for a building permit with respect to a *complex building* shall:

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

b) be accompanied by the owner's acknowledgment of responsibility and undertakings made in the form prescribed by the *Chief Building Official*, signed by the *owner*, or a signing officer if the *owner* is a corporation;

c) include a copy of a title search made within thirty (30) days of the date of the application;

d) include a copy of all covenants, easements, and rights of way registered against the property;

e) unless the *Chief Building Official* waives 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*, include a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) showing:

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

ii. the legal description and civic address of the parcel;

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

iv. the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;

- v. setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
  - vi. the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *structure* where the Village's land use regulations establish siting requirements related to minimum flood construction levels; and
  - vii. the location, dimension and gradient of parking and driveway access,
- f) include floor plans showing:
- i. the dimensions and uses of all areas;
  - ii. the dimensions and height of crawl space and roof spaces;
  - iii. the locations, sizes and swing of doors;
  - iv. the location, size and opening of windows;
  - v. floor, wall and ceiling finishes;
  - vi. plumbing systems including plumbing fixtures;
  - vii. structural elements;
  - viii. stair dimensions; and
  - ix. major appliances;
- g) include a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
- h) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, finished grade, and spatial separation calculations;
- i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *BC Building Code*;
- j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approvals;
- k) include a letter of assurance in the form of Schedule A as referred to in Division C and Note A-2.2.7.2(1)(b) of the *BC Building Code*, signed by the *owner*, or a signing officer of the *owner* if the *owner* is a corporation, and the *coordinating registered professional*;
- l) include letters of assurance in the form of Schedule B as referred to in the *BC Building Code*, each signed by such *registered professionals* as required by the *BC Building Code*;

*Official or BC Building Code* in Division C and Note A-2.2.7.2 to prepare the design for and conduct field reviews of the construction of the building or structure.

- m) include letters in the forms set out in Schedules C-A and C-B (See the end of Division C and Note A-2.2.7.2.(2), if an occupancy permit or final inspection from an authority having jurisdiction is required before an *owner* occupies or receives permission to occupy ; and
- n) include 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.(f) to 9.1.(i) of this Bylaw.

9.2. In addition to the requirements of section 9.1, the *Chief Building Official* may require that any one or more of the following be submitted with a building permit application for the construction of a complex building as the *Chief Building Official* considers warranted due to the complexity of the proposed building or structure or siting circumstances:

- a) a *BC Building Code* analysis showing conformance to the building to the current *BC Building Code*;
- b) a zoning analysis showing conformance to the Village's current Zoning Bylaw;
- c) site servicing drawings, including detail of off-site services indicating locations at the property line, in accordance with the Village's current Subdivision and Development Control Bylaw, prepared and sealed by a *registered professional*;
- d) a section through the site showing grades, *building*, *structures*, parking areas and driveways;
- e) any other information required by the *Chief Building Official* to establish substantial compliance with this Bylaw, the *BC Building Code* and other Bylaws and enactments relating to the *building* or *structure*.

## **PART 10: APPLICATION FOR STANDARD BUILDINGS**

10.1. An application for a building permit with respect to a *standard building* shall:

- a) be signed by the *owner*, or a signing officer if the *owner* is a corporation;
- b) be accompanied by the *owner's* acknowledgment of responsibility and undertakings made in the form prescribed by the *Chief Building Official*, signed by the *owner*, or a signing officer if the *owner* is a corporation;
- c) include a copy of all title searches made within thirty (30) days of the date of the application;
- d) include a copy of all covenants, statutory rights-of-way and easements registered against the property;
- e) unless the *Chief Building Official* waives 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*;

include a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) showing:

- i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - ii. the legal description and civic address of the parcel;
  - iii. the location and dimensions of all statutory rights of way, easements and setback requirements;
  - iv. the location and dimensions of all existing and proposed buildings or *structures* on the parcel;
  - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
  - vi. the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or *structure* where the Village's land use regulations establish siting requirements related to minimum flood construction levels; and
  - vii. the location, dimension and gradient of parking and driveway access;
- f) include floor plans showing:
- i. the dimensions and uses of all areas;
  - ii. the dimensions and height of crawl space and roof spaces;
  - iii. the locations, sizes and swing of doors;
  - iv. the location, size and opening of windows;
  - v. floor, wall and ceiling finishes;
  - vi. plumbing fixtures;
  - vii. structural elements;
  - viii. stair dimensions; and
  - ix. major appliances;
- g) include a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;

- h) include elevations of all sides of the building or *structure* showing finish details, roof slopes, windows, doors, finished grade, and spatial separation calculations;
  - i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *BC Building Code*;
  - j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approvals;
  - k) include 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 *BC Building Code*; and
  - l) include two (2) sets of drawings at a suitable scale of the design including the information set out in sections 10.1.(e) – 10.1. (i) of this Bylaw.
- 10.2. In addition to the requirements of section 10.1, the applicant for a permit must provide the *Chief Building Official* with any one or more of following, 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 1,000 square meters, or two or more *buildings* that will contain four or more dwelling units, or otherwise as the *Chief Building Official* considers to be warranted due to the complexity of the proposed *building* or *structure* or siting circumstances:
- a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the Village's current Subdivision and Development Control Bylaw.
  - b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
  - c) roof plan and roof height calculations;
  - d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
  - e) a foundation design prepared by a *registered professional* in accordance with section 4.2 of Part 4 of the *BC Building Code*, accompanied by letters of assurance in the form of Schedules B(s) as referred to in the *BC Building Code*, signed by the *registered professional* if a Geotechnical Engineer concludes that the foundation design will be outside the scope of Part 9 of the *BC Building Code*.
  - f) any other information required by the *Chief Building Official* to establish substantial compliance with this Bylaw, the *BC Building Code* and other Bylaws and enactments relating to the *building* or *structure*.

## **PART 11: FARM BUILDINGS**

- 11.1. *Farm buildings* shall be designed and built in conformance with the *National Farm Building Code*.

11.2. Every owner shall ensure that all construction complies with the *National Farm BC Building Code*, this Bylaw and other applicable enactments.

11.3. An application for a *farm building* permit shall:

- a) be signed by the *owner*, or a signing officer if the *owner* is a corporation;
- b) be accompanied by the *owner's* acknowledgment of responsibility and undertakings made in the form prescribed by the *Chief Building Official*, signed by the *owner*, or a signing officer if the *owner* is a corporation;
- c) include a copy of all title searches made no less than thirty (30) days of the date of the application;
- d) include a copy of all covenants, statutory rights-of-way and easements registered against the property;
- e) unless the requirement is waived by the *Chief Building Official* as being unnecessary to the application, in whole or in part, when the permit is sought for repair or alteration of an existing *building* or *structure*, include a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) showing:
  - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - ii. the legal description and civic address of the parcel;
  - iii. the location and dimensions of all statutory rights of way, easements and setback requirements;
  - iv. the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;
  - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
  - vi. the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *structure* where the Village's land use regulations establish siting requirements related to minimum flood construction levels; and
  - vii. the location, dimension and gradient of parking and driveway access;
- f) include scaled construction drawings showing floor plans of the proposed building with the proposed uses of all areas, a cross-section of building showing proposed heights and confirmation that the building meets all the required design loads as per the *National Farm BC Building Code*;



- g) include any other information required by the *Chief Building Official* or the *National Farm BC Building Code* to establish substantial compliance with this Bylaw, the *National Farm BC Building Code* and other Bylaws and enactments relating to the *building* or *structure*.

## **PART 12: TEMPORARY BUILDINGS**

12.1. An application for a *temporary building* permit shall:

- a) be signed by the *owner*, or a signing officer if the *owner* is a corporation;
- b) be accompanied by the *owner's* acknowledgment of responsibility and undertakings made in the form prescribed by the *Chief Building Official*, signed by the *owner*, or a signing officer if the *owner* is a corporation;
- c) include a copy of all title searches made within thirty (30) days of the date of the application;
- d) include a copy of all covenants, statutory rights-of-way and easements registered against the property;
- e) unless the requirement is waived by the *Chief Building Official* as being unnecessary to the application, in whole or in part, include a site plan prepared by a British Columbia Land Surveyor (B.C.L.S.) or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) showing:
  - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - ii. the legal description and civic address of the parcel;
  - iii. the location and dimensions of all statutory rights of way, easements and setback requirements;
  - iv. the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;
  - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
  - vi. the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or *structure* where the Village's land use regulations establish siting requirements related to minimum floor elevation; and
  - vii. the location, dimension and gradient of parking and driveway access;

- 12.2. Notwithstanding anything contained elsewhere in this bylaw, a permit for a *temporary building* may be issued by the *Chief Building Official*, authorizing for a limited time only the erection and existence of a building or *structure* or part thereof, for an occupancy which will exist for a short time under circumstances that warrant only selective compliance with this Bylaw or the *BC Building Code*.
- 12.3. A permit for a *temporary building* shall state the date after which and the conditions under which the permit is no longer valid.
- 12.4. A permit for a *temporary building* may be extended provided permission in writing is granted by the *Chief Building Official*.
- 12.5. A permit for a *temporary building* must be posted on the building.

### **PART 13: FEES AND CHARGES**

- 13.1. In addition to applicable fees and charges required under other Bylaws, the applicant for a permit under this Bylaw must pay in full a permit fee, calculated in accordance with **Schedule A** of this Bylaw, prior to its issuance.
- 13.2. The applicant for a building permit must pay the applicable plan processing fee as set out in **Schedule A**, to which the following conditions apply:
- a) the plan processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
  - b) 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.
  - c) when an application is cancelled the plans and related documents submitted with the application may be destroyed.
  - d) plan processing fees do not apply to permits other than building permits.
- 13.3. 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, as determined by the *Chief Building Official*, provided that:
- a) the refund shall not include the plan processing fee paid pursuant to section 11.2 of this Bylaw; and
  - b) no refund shall be made where construction has begun, or an inspection had been made.
- 13.4. Where, due to non-compliance with this Bylaw, more than two (2) inspections are necessary when one (1) inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in **Schedule A** shall be paid by the applicant prior to any additional inspections being performed.

- 13.5. Fees for miscellaneous services related to the administration of this Bylaw and related enactments shall be charged at an hourly rate in accordance with charges as set out in **Schedule A** to this bylaw.
- 13.6. A fee, as set out in Schedule A, shall be payable in advance to reactivate a building permit that has expired.
- 13.7. A fee, as set out in Schedule A, shall be payable in advance to extend a building permit as permitted under section 14.4.
- 13.8. A fee, as set out in Schedule A, shall be payable in advance for revision of plans after submission of the building permit application.
- 13.9. Every applicant for a *temporary building* permit shall deposit with the *Village* a security, in the form of cash or an irrevocable letter of credit, against the cost of removal of the *temporary building* in accordance with the charges set out in **Schedule A** of this bylaw.
- a) the security shall be returned within 30 days, less any repair or removal costs incurred, upon termination of the temporary building permit and upon confirmation that the *temporary building* has been removed from the lot.
- 13.10. Every applicant for a *foundation* permit shall deposit with the *Village* a security in the form of cash or an irrevocable letter of credit, against the cost of site restoration in accordance with the charges set out in **Schedule A** of this bylaw.
- a) the security shall be returned within 30 days upon issuance of the building permit.
- 13.11. Where the proposed work includes excavation or construction on lands within 10 metres of a *Village* roadway, sewer, drain or water main or other *Village* work, the applicant shall deposit with the *Village* a security, in the form of cash or an irrevocable letter of credit, against the cost of repairs to such works in accordance with the charges set out in **Schedule A** of this Bylaw.
- a) the security shall be returned within 30 days, less any repair costs incurred, upon granting of final inspection of the related building permit or where the building permit has been cancelled and upon confirmation that the *Village* works have not been damaged or, if damage has occurred, that it has been fully repaired.
- 13.12. Every *owner* to whom a permit is issued is responsible for the cost to repair any damage to *Village* works or land that occurs during the work authorized by the permit.
- 13.13. *Village* Council may, by resolution, reduce, waive or refund any non-legislated building permit fees or security deposits when the applicant seeks approval for:
- a) *non-profit* or *affordable housing*, including *supportive living housing*;
- b) for-profit *affordable rental housing*.

## **PART 14: BUILDING PERMITS**

- 14.1. The *Chief Building Official* may issue the permit for which an application is made when the following conditions have been met:
- a) a completed application including all required supporting documentation has been submitted;
  - b) the proposed work set out in the application conforms with the *BC Building Code*, this Bylaw and all other applicable Bylaws and enactments;
  - c) the *owner* or their representative has paid all the charges and met all requirements imposed by this and any other enactment or Bylaw;
  - d) no enactment, covenant, agreement, or regulation of the *Village* authorizes the permit to be withheld;
  - e) the *owner* has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*; and
  - f) the *owner* has retained an architect if required by the provision of the *Architects Act*.
- 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 unless the *owner* provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed building:
- a) is covered by home warranty insurance, and
  - b) the *constructor* is a licensed residential builder
- unless the owner is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (3) or 30 (1) of the *Homeowner Protection Act*.
- 14.3. Every permit is issued upon the condition that the permit shall expire and the rights of the *owner* under the permit shall terminate if:
- a) the work authorized by the permit is not commenced within twelve (12) months from the date of issuance of the permit;
  - b) work is discontinued for a period of twelve (12) months; or
  - c) the work is not completed within two (2) years of the date of issuance of the permit,
- unless the *owner* has been granted an extension by the *Chief Building Official* and has paid the permit extension fee as set out in **Schedule A** of this Bylaw.
- 14.4. The *Chief Building Official* may extend the period of time set out under section 14.3. (a), (b) or (c) where construction has not been commenced or where construction had been discontinued due to adverse weather, strike, material or labour shortages, or to a similar hardship that the *Chief Building Official* considers to be beyond the *owner's* control.

- 14.5. When a site has been excavated under a foundation permit and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of subsection 14.3, but without the construction of the *building* or *structure* for which the building permit was issued having commenced, the *owner* shall fill in the excavation to restore the original gradients of the site within sixty (60) days of being served notice by the *Chief Building Official* to do so.
- 14.6. Prior to issuance of a building or demolition permit for a complex building, 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 *Chief Building Official*.

## **PART 15: PLUMBING PERMITS**

- 15.1. Except as provided in subsection 15.4, a plumbing system shall not be constructed, extended, altered, renewed or repaired unless a plumbing permit to do so has been obtained.
- 15.2. Plumbing permits shall be issued only to:
- a) a licensed plumbing contractor; or
  - b) a person to do work in a building, owned by them only as their domestic domicile, provided they have satisfied the authority having jurisdiction that they are competent to perform such work.
- 15.3. A plumbing permit shall not be transferable.
- 15.4. A plumbing permit is not required when:
- a) a stoppage in a drainage system is cleared;
  - b) a leak is repaired in a water distribution system;
  - c) a fixture is replaced without any change to the drainage system; or
  - d) a replacement is made to existing faucets, service water heater, valves, pipes or fittings in a water distribution system.
- 15.5. 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.
- 15.6. Prior to calling for a plumbing inspection, all drains and vents shall be completed, and the system filled with water or pressurized air up to the roof or to the highest point of connection to an existing vent. The *Plumbing Inspector* may then certify, if applicable, that the system does not leak and that it is constructed in accordance with the applicable requirements.
- 15.7. Prior to the final inspection, all fixtures and equipment shall be installed and ready for use.

- 15.8. If a fixture has been roughed-in for future use, the outlet shall be sealed with an approved plug or cap.
- 15.9. 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.
- 15.10. The *Chief 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 *Chief 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.
- a) The issuance of the permit notwithstanding, the requirements of this Bylaw apply to the remainder of the *building* or *structure* as if the permit for the portion of the *building* or *structure* had not been issued.
- 15.11. 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 *BC Building Code*.

## **PART 16: RISK OF FLOOD AND OTHER HAZARDS**

- 16.1. If the *Chief Building Official* considers that construction would be on land that is or is likely to be subject to flooding, mud flows, debris flows or torrents, erosion, land slip, rockfalls, subsidence or avalanche, the *Chief Building Official* may require the owner to provide a report prepared by a professional engineer or geoscientist with experience in geotechnical study and geo-hazard assessments certifying that the land may be used safely for its intended use.
- 16.2. If a report required under subsection 16.1 is not provided, or the engineer or geoscientist determines that the land cannot be used safely for the use intended, a *building permit* may not be issued.
- 16.3. If the engineer or geoscientist certifies that the land may be used safely for the use intended if used in accordance with the conditions specified in the report provided to the *Chief Building Official*, a permit may be issued on the following conditions:
- a) the owner covenants with the *Village* to use the land only in the manner certified by the engineer or geoscientist as enabling the safe use of the land for the use intended;
- b) the covenant contains conditions for reimbursing the *Village* for any expenses that may be incurred by it as a result of a breach of the covenant; and
- c) the covenant is registered under section 219 of the *Land Title Act* (British Columbia).

## **PART 17: PROFESSIONAL DESIGN AND FIELD REVIEW**

- 17.1. When the *Chief 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 and C-B referred to in the *BC Building Code*.
- 17.2. 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.(j), 10.2.(e) or 17.1 of this Bylaw, the *owner* shall provide the *Chief Building Official* with letters of assurance in the form of Schedules C-A or C-B as is appropriate, referred to in the *BC Building Code*.
- 17.3. When a *registered professional* provides letter of assurance in accordance with sections 9.1.(l), 10.1.(j), 10.2.(e), 17.1 or 17.2 of this Bylaw, he or she shall also provide proof of professional liability insurance to the *Chief Building Official* in the form as prescribed by the *Chief Building Official*.

## **PART 18: RESPONSIBILITY OF THE OWNER**

- 18.1. Every *owner* shall ensure that all construction complies with the *BC Building Code*, this Bylaw and other applicable enactments respecting safety.
- 18.2. Every *owner* to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized on the permit.
- 18.3. If an owner of real property or other responsible person defaults in paying the cost referred to in Section 18.2 to the Village within thirty (30) days after receipt of a demand for payment from the Village, the Village may either recover from the owner or other responsible person, in any court of competent jurisdiction, the costs as a debt to the Village, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the owner, and be collected in the same manner as property taxes.
- 18.4. Every *owner* to whom a permit is issued shall, during construction:
- a) Post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
  - b) Keep a copy of the accepted designs, plans and specifications on the property; and
  - c) Post the civic address on the property in a location visible from any adjoining streets.

## **PART 19: INSPECTIONS**

- 19.1. When a *registered professional* provides letters of assurance in accordance with paragraphs 9.1.(l), 10.1.(k), 10.2.(e) or subsections 17.1 or 17.2 of this Bylaw, the *Village* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to subsection 17.2 of this Bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the *BC Building Code*, this Bylaw and other applicable enactments respecting safety.

- 19.2. *Registered professional* field review reports must be submitted to the *Chief Building Official* within seven (7) days of the occurrence.
- 19.3. Despite subsection 19.1 of this Bylaw, the *Chief Building Official* may attend the site from time to time during construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the *registered professionals*.
- 19.4. The *Chief Building Official* may periodically attend 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 *BC Building Code*, this Bylaw and any other applicable enactments concerning safety.
- 19.5. Subject to subsection 19.6, the *owner* or his representative shall obtain an inspection and receive the *Chief Building Official's* acceptance in writing of the following aspects of the work prior to concealing each, as applicable:
- a) footing and foundation, as shown by a survey, prior to and after the placement of formwork;
  - b) perimeter drains and damp proofing;
  - c) sanitary and storm sewer;
  - d) water service;
  - e) plumbing rough-in, below ground;
  - f) plumbing rough-in, above ground;
  - g) hydronic heating system;
  - h) under slab insulation;
  - i) fire sprinklers
  - j) fireplace and chimney;
  - k) mechanical ventilation;
  - l) framing after all services installed;
  - m) rain screen;
  - n) paper & wire prior to first coat stucco;
  - o) first coat of stucco;
  - p) second coat of stucco;
  - q) insulation and vapour barrier;



- r) drywall for fire separation in buildings containing secondary suites, multiple residential and multiple commercial occupancies, before tape or filler is applied;
  - s) other inspections as required by the *Chief Building Official*.
- 19.6. The requirements of subsection 19.5 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 paragraphs 9.1.(l), 10.1.(k), 10.2.(e), or subsections 17.1 or 17.2 of this Bylaw.
- 19.7. If any aspect of the work referred to in section 19.5 of this bylaw is concealed prior to the *Chief Building Official* accepting it in writing, the *Chief Building Official* may order that it be uncovered at the *owner's* expense to permit an inspection.
- 19.8. The following documents, where applicable, must be received and reviewed by the *Chief Building Official* prior to scheduling an inspection:
- a) Forms/Foundation Inspection:
    - i. Building Location Certificate provided by a British Columbia Land Surveyor with elevation for top of concrete for Flood Construction Level (FCL) calculation;
    - ii. Geotechnical Engineer field review for soil bearing;
    - iii. Structural Engineer field review for footings;
    - iv. Structural Engineer field review for foundation walls.
  - b) Prior to backfilling:
    - i. Geotechnical Engineer field review for rock pit;
    - ii. Geotechnical Engineer field review for site drainage.
  - c) Framing/Sheathing Inspection:
    - i. Structural Engineer field review;
    - ii. Sealed joist and beam layout;
    - iii. Sealed roof truss layout and sealed truss specifications;
    - iv. Fire Suppression Engineer field review;
    - v. Repair details and sign off by engineer for i-joist and roof truss where required.
  - d) Final Inspection:
    - i. Structural Engineer Schedule C-B;
    - ii. Geotechnical Engineer Schedule C-B;
    - iii. Fire Suppression Engineer Schedule C-B;
    - iv. 3<sup>rd</sup> party field report with Schedule B and Schedule C-B for unvented roof spaces;
    - v. Spray foam certification;
    - vi. Septic Engineer Schedule C-B;
    - vii. Sealed drawings with Schedule B and Schedule C-B (Architectural 1.5 & 1.6) for glass guards;
    - viii. Part 5 certification for non-compliant windows, doors and skylights;
    - ix. 3<sup>rd</sup> party report for energy modelling;
    - x. Mechanical Ventilation Checklist for all dwellings;
    - xi. Decking membrane certification;
    - xii. Copy of electrical and gas permits and notice of completion from Technical Safety BC;

- xiii. Engineering for *retaining walls* with field review, Schedule B, and Schedule C-B;
- xiv. a sewer/water drawing showing the location of services from the Village connection to the point of entry at the house, triangulated against landmarks or permanent structures;

e) Any other documents required by the *Chief Building Official*.

## **PART 20: OCCUPANCY REQUIREMENTS**

20.1. 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.

20.2. A final inspection shall not be issued unless:

- a) all letters of assurance have been submitted when required in accordance with sections 9.1.(l), 10.1.(j), 10.2.(e) or subsections 17.1 or 17.2 of this Bylaw; and
- b) all aspects of the work requiring inspection and acceptance pursuant to subsection 19.5 of this Bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with subsection 19.6 of this Bylaw.

20.3. The *Chief 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 subsection 20.2 of this Bylaw have been met with respect to it.

## **PART 21: SITE GRADING AND DRAINAGE**

21.1. The *owner* of land on which a *building* or *structure* is being constructed must control the site drainage such that other sites are not impacted and in particular:

- a) Each lot must be graded to drain into a municipal drainage system or a natural watercourse without draining onto adjacent lots;
- b) Areas adjacent to *buildings* shall be graded away from the foundations to prevent flooding;
- c) Lots lower than adjacent roadways must be provided with storm water management facilities to direct storm runoff to a drainage system approved by the *Chief Building Official*;
- d) In the case of storm runoff not directed to a municipal drainage system, storm runoff may occur to a natural watercourse by means of sheet flow only, and not by means of swales or pipes or other artificial means.

## **PART 22: RETAINING STRUCTURES**

22.1. A *registered professional* shall undertake the design and conduct *field reviews* of the construction of a *retaining wall* greater than 1.2 meters in height.

22.2. Sealed copies of the design plan and *field review* reports prepared by the *registered professional* for all *retaining walls* greater than 1.2 meters in height shall be submitted to the *Chief Building Official* prior to acceptance of the works.

### **PART 23: SWIMMING POOLS**

23.1. A person must not construct or structurally repair a swimming *pool* without a valid building permit.

23.2. A swimming *pool*, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.5 metres and no openings greater than 100 mm at their least dimension.

23.3. *Pool* plumbing shall be arranged so that *pool* water cannot enter any water supply line and once having been drained from the *pool* cannot be returned to the *pool* without filtering, and so that sewage from any sanitary sewer or sewage disposal system cannot enter the *pool* or the *pool* filtering system.

23.4. In addition to information otherwise required by this Bylaw, an applicant for a permit to construct a *pool* shall provide a scaled plan showing the location, enclosure details, depth and dimensions of the *pool* and its structural details, and all water supply piping and appurtenances.

23.5. Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa or hot tub side of the gate.

23.6. In lieu of a fence, a spa or hot tub may be covered with a locking cover which would prevent unauthorized access to the water.

23.7. A person must not use or occupy a swimming *pool*, including a spa or hot tub, unless the owner or occupier of property on or in which a pool, spa or hot tub is located maintains every fence or cover required under sections 21.2 to 21.6 of this Pat 21 in good order.

### **PART 24: BC ENERGY STEP CODE REQUIREMENTS**

24.1. Effective January 1, 2020:

a) Any residential *building* regulated by Part 9 of the *BC Building Code*, excluding manufactured homes, must be designed and constructed to meet the minimum performance requirements of Step 3 of the *Energy Step Code*.

b) Any commercial *building* regulated by Part 9 of the *BC Building Code*, and over 1,000 square feet gross floor area, must be designed and constructed to meet the minimum performance requirement specified in Step 3 of the *Energy Step Code*.

- c) Any commercial *building* regulated by Part 9 of the *BC Building Code*, and less than 1,000 square feet gross floor area, must be designed and constructed to meet the minimum performance requirement specified in Step 2 of the *Energy Step Code*.

24.2. Effective January 1, 2021:

- a) Any residential *building* regulated by Part 9 of the *BC Building Code*, excluding manufactured homes, must be designed and constructed to meet the minimum performance requirements specified in Step 4 of the *Energy Step Code*.
- b) Any commercial *building* regulated by Part 9 of the *BC Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the *Energy Step Code*.

**PART 24: SITE SERVICES**

- 24.1. The minimum depth of bury for water services shall be 1.8 meters (6 feet) unless the *owner* provides the *Chief Building Official* with evidence that a lesser depth will not increase the risk of freezing.
- 24.2. The minimum depth of bury for sanitary sewer and storm drain services shall be 1.2 meters (4 feet) unless the *owner* provides the *Chief Building Official* with evidence that a lesser depth will not increase the risk of freezing.
- 24.3. When required by a *Chief Building Official*, the *owner* or the *owner's* agent shall submit to the *Chief Building Official* a record drawing showing the installation of potable water service, sanitary sewer service and storm drain service installations and indicating sizes and types of material and all fittings and references for cleanouts triangulated to substantially permanent landmarks such as building foundations, hydro kiosks and the like.

**PART 25: SURVEYOR'S OR SITE IMPROVEMENT CERTIFICATES**

- 25.1. Prior to the placing of concrete in forms for the foundations for a *building* or *structure*, the *owner* must ensure that the location of the forms in relation to Land Title Office plans and B.C.L.S. monuments property lines, easements, or rights-of-way have been established by a B.C.L.S. or a certified member of R.S.I.S.
- 25.2. Prior to the occupancy of a *building* or *structure*, the *owner* must ensure that the location of the foundations in relation to Land Title Office plans and B.C.L.S. monuments property lines, easements, or rights-of-way have been established by a B.C.L.S. or a certified member of the R.S.I.S.
- 25.3. The site improvement surveys required in subsections 25.1 and 25.2 of this Bylaw must show:
  - a) the shortest distances from the outer surfaces of the foundations of the *building* or *structure* on the property to the adjacent property lines, easements, or rights-of-way; and
  - b) the elevation of the applicable aspect of the floor system in relation to a flood reference, where the *Village's* land use regulations establish siting requirements related to flooding.

## **PART 26: STOP WORK ORDER**

- 26.1. The *Chief Building Official* may order the cessation of any work that is proceeding in contravention of the *BC Building Code* or this Bylaw by posting a Stop Work notice in the form prescribed by the *Village*.
- 26.2. 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 and any other applicable bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a *Chief Building Official*.
- 26.3. Where a person occupies a *building, structure, temporary building or farm building* or part of a *building or structure* in contravention of this Bylaw a *Chief Building Official* may post a Do Not Occupy notice in the form prescribed by the *Chief Building Official* or *Corporate Officer* on the affected part of the *building or structure*.
- 26.4. 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 *BC Building Code* and this Bylaw and any other applicable bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a *Chief Building Official*.
- 26.5. 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 a fee of \$1,000 in addition to the building permit fee as set out in **Schedule A** of this Bylaw prior to obtaining the required building permit.

## **PART 27: PENALTIES AND ENFORCEMENT**

- 27.1. Any person who:
- a) contravenes any provision of this bylaw;
  - b) fails to comply with any order or notice issued by the *Chief Building Official*;
  - c) causes or allows any act or thing to be done in contravention of any provision of this bylaw;  
or
  - d) fails or neglects to do anything required to be done by any provision of this bylaw
- commits an offence, and each day that the offence continues constitutes a separate offence.
- 27.2. A person found guilty of an offence under this bylaw is liable if:
- a) proceedings are brought under the *Offence Act (B.C.)*, to pay a fine to maximum of \$10,000 and such other amounts as the court may impose in relation to the offence;
  - b) a ticket is issued under the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, as amended or replaced from time to time, to pay a fine to a maximum of \$1,000;

- c) a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that *Act*.

27.3. The *Chief Building Official* may enforce the provisions of this Bylaw.

**PART 28: REPEAL AND SCHEDULES**

28.1. The following bylaw and its amendments are hereby repealed:

- a) Village of Pemberton Building Bylaw No. 694, 2012
- b) Building Bylaw Amendment (Farm Building Exemption) Bylaw No. 754, 2014

28.2. **Schedule A** is attached and forms part of this Bylaw.

**READ A FIRST TIME** this XX day of XXX, 2019.

**READ A SECOND TIME** this XX day of XXX, 2019.

**READ A THIRD TIME** this XX day of XXX, 2019.

**ADOPTED** this XX day of XXX, 2019.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**Schedule A**  
Permit and Inspection Fees & Deposits

Bylaw Section	Fee Type	Fee	Unit
13.1	<b>Building Permit Fees</b>		
	Building permit*	\$10.00	/ \$1,000 of value of construction or fraction thereof up to \$100,000
		\$7.00	/ \$1,000 of construction valuation or fraction thereof in excess of \$100,000
		\$75	Minimum fee per permit
26.5	Additional fee if Stop Work Notice issued prior to issuance of building permit and remains outstanding for 30 days or more	\$1,000	permit
13.1	<b>Other Permit Fees</b>		
	Temporary building permit	\$300	building or structure
	Excavation permit	\$250	building or structure
	Foundation Permit	\$250	Building or structure
	Demolition permit	\$160	building or structure
	Relocation permit (plus cost of capping off Village services)	\$160	building or structure
	Solid fuel burning device permit	\$75	Per device
	Fire suppression system permit	\$3	sprinkler head
		\$75	minimum fee per system
	Fire detection and alarm system permit	\$75	system
	Plumbing permit	\$15.00	fixture
		\$90	minimum fee per permit
	Masonry permit	\$75	flue
	Retaining wall permit	\$75	retaining wall
	Swimming pool permit	\$250	swimming pool
13.2	<b>Plan Processing Fee**</b>		
	Standard building	\$300	building or structure

Bylaw Section	Fee Type	Fee	Unit
	Complex building	25% of permit fee	building or structure
	Farm building	\$150	Building or structure
	Temporary building	\$150	Building or structure
13	<b>Inspection Fees</b>		
13.4	Re-inspection	\$100	inspection
13	<b>Administrative and Miscellaneous Fees &amp; Security</b>		
	Large format copy or scan (maps & plans)	Costs + 10% + applicable taxes	
	Professional design fee reduction if all aspects of the building or structure are certified in compliance with the BC Building Code and final Schedule C's for all disciplines are submitted prior to occupancy	-5% of permit fee	
	Covenant Preparation	\$100 + costs + 10% + applicable taxes	
	Building Regulation Notice Against Title (Land Title and Survey Authority) Notice application/removal and administrative and registration Fees	\$500	notice
13.5	Miscellaneous services not otherwise listed	\$100 + applicable taxes	hour
13.6	Reactivate an expired permit	\$150	permit
13.7	Building permit extension	\$100	permit
13.8	Plan revision after submission of building permit application	\$100 + applicable taxes \$25 minimum fee	hour
13.9	Security deposit for temporary building permit	\$5,000 deposit	permit
13.10	Security deposit for foundation permit	\$1,000 deposit	permit
13.11	Security deposit for work proposed on lands within 10 metres of Village works, single-family or duplex	\$2,500 deposit	lot
	Security deposit for work proposed on lands within 10 metres of Village works, multi-family residential	\$1,000 deposit	unit
	Security deposit for work proposed on lands within 10 metres of Village works, other than residential	\$5,000 deposit	permit
18.2	Repair to damaged Village works	Costs + 10% + applicable taxes	

\*Valuation of Construction for a building or structure is the value of construction declared by the applicant on the building permit application, or if the *Chief Building Official* is of the view that the construction value declared is not accurate, the value based on the current edition of *Marshall and Swift Residential Cost Handbook*, Marshall Valuation Services, or other current valuations reasonably appropriate to the type of construction as determined by the *Chief Building Official*.

\*\* Non-refundable fee due at time of application.



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