

THE CORPORATION OF THE VILLAGE OF SALMO

BYLAW #618

A BYLAW TO REGULATE BUILDING

WHEREAS Sections 8(3) and 53 of the *Community Charter* authorize the Village of Salmo, for the health, safety and protection of persons and property, to regulate buildings and other structures by Bylaw;

AND WHEREAS the Province of British Columbia, under section 692 of the *Local Government Act*, has adopted a Building Code to govern standards in respect of the construction and demolition of buildings in municipalities and regional districts in the Province;

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

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

1.0 TITLE

1.1 This Bylaw may be cited for all purposes as the “**Building Bylaw (2010)**”

1.2 The Bylaw is divided into 25 sections and a decimal numbering system has been used to identify its parts. The first number indicates the Section of the Bylaw; the second, the Subsection in the Section; the third, the Article in the Subsection; the fourth, the Sentence in the Article. A Sentence can be further broken down into Clauses (indicated by numbers in brackets) as follows:

2.0	Section
2.4	Subsection
2.4.1	Article
2.4.1.3	Sentence
2.4.1.3(1)	Clause

2.0 DEFINITIONS

2.1 In this Bylaw:

These words and terms are as defined in 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, farm building, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, registered professional, and residential occupancy:**

Adjacent Ground Level means the level of the ground surface, both underneath a deck, building or structure, and for a minimum of 600mm (2 ft.) beyond the outside perimeter of the deck, building or structure.

Building Code means the Building Regulations of British Columbia, as amended or superseded from time to time, established pursuant to section 692 of the *Local Government Act*.

Building Location Survey Certificate means a surveyed plan prepared by a British Columbia Land Surveyor, signed and sealed, indicating the location of buildings or structures in relation to the property lines and or watercourse(s).

Building Official includes Building Inspectors, Plan Checkers and Plumbing Inspectors appointed, employed or contracted by the **Village** to administer this Bylaw.

Complex Building means:

- (a) all **buildings** used for major occupancies classified as
 - (i) **assembly occupancy,**
 - (ii) **care or detention occupancy,**
 - (iii) **high hazard industrial occupancy, and**
- (b) all **buildings** exceeding 600 square meters (6500 sq. ft.) in **building** area or exceeding three storeys in building height and used for major occupancies classified as
 - (i) **residential occupancy,**
 - (ii) **business and personal services occupancy,**
 - (iii) **mercantile occupancy,**
 - (iv) **medium and low hazard industrial occupancy.**

Construct includes reconstruct, erect, alter, enlarge, add and remove.

Construction includes reconstruction, erection, alteration, enlargement, addition and removal.

Council means the Council of the Village of Salmo.

Deck includes a sundeck and means a raised, open, unroofed platform.

Dwelling Unit means a self-contained set of habitable rooms containing living quarters and kitchen and sleeping facilities designed and intended for occupancy by only one family or household.

Fence means a barrier or other structure enclosing, bordering, or dividing a parcel of land; the regulation and permit requirements for fencing are part of the Zoning Bylaw.

Final Inspection Report means the point at which all deficiencies in the health and safety aspects of the work have been remedied to the satisfaction of the building official.

Health and safety aspects of the work means design and construction regulated by the **Building Code**.

Lot means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office.

Manufactured Home means a building that is manufactured in a factory for transport, assembly, and completion as a residence, including placement on a foundation, and is certified as being constructed to the requirements of the CSA National Standard CAN/CSA-Z240 or A277 but is not designed to be transported on its own wheels or undercarriage.

Modular Home means a detached **dwelling unit** conforming to the CAN/CSA A277-90 standard, which is completely constructed in a factory but is not designed to be transported on its own wheels or undercarriage.

Owner means the registered **owner** in fee simple of real property for which a **permit** is applied for or issued under this Bylaw.

Permit means a **permit** required by or issued under this Bylaw.

Plumbing System means a drainage, venting, fire protection or water system, or any part thereof.

Pool means a constructed or prefabricated pool, existing or prospective, situated wholly or in part above or below the **adjacent ground level**, used primarily for swimming, bathing or wading, having a surface water area greater than 15 square meters (160 sq. ft.), or a depth greater than 600 mm. (2 ft.) and which does not fall under the jurisdiction of the *Health Act* for pools.

Pool area means the enclosed area around the perimeter of a **pool** to a maximum of 40 meters (130ft.) from the edge of the water surface.

Recreational Vehicle means a vehicle, trailer, Park Model trailer, coach, house car, structure or conveyance designed to travel or to be transported on the

highway and constructed or equipped to be used as a temporary living or sleeping quarters.

Standard building means a **building** of three storeys or less in building height, having a **building** area not exceeding 600 square meters (6500 sq ft) and used for major occupancies classified as

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

Structure means a **construction** or portion thereof of any kind, whether fixed to, supported by or sunk into land, but specifically excludes landscaping, fences, paving and retaining **structures** less than 1.5m (5ft.) in height.

Temporary Building a building or any part thereof that will be used for a period of time, not exceeding two years, and that has no permanent foundation or construction associated with it.

Village means the Village of Salmo.

- 2.2 In this Bylaw, words and phrases shown in boldface, other than in headings, are words that are defined in subsection 2.1 of this bylaw.

3.0 PURPOSE OF THIS BYLAW

- 3.1 This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section:
- 3.2 This Bylaw has been enacted for the purpose of regulating **construction** within the **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 spot-checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend to
 - 3.2.1 the protection of **owners**, owner/builders or constructors from economic loss;
 - 3.2.2 the assumption by the **Village** or any building official of any responsibility for ensuring the compliance with the **Building Code**, the requirements of this Bylaw or other applicable enactments respecting safety by any owner or any employees, **constructors** or designers retained by the **owner** or his or her representatives;

- 3.2.3 providing any person with a warranty of design or workmanship with respect to any **building** or **structure** or **plumbing system** for which a **building permit** is issued under this Bylaw;
- 3.2.4 providing a warranty or assurance that **construction** undertaken pursuant to **building permits** issued by the **Village** is free from latent, or any defects.
- 3.2.5 providing a warranty to any person that **construction** is in compliance with the **Building Code**, this Bylaw or any other enactment with respect to a **building** or **structure** for which a **permit** is issued under this Bylaw.

4.0 PERMIT CONDITIONS

- 4.1 No person shall undertake work regulated by this Bylaw without a **permit**.
- 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 representative from full and sole responsibility to perform the work in strict accordance with this Bylaw, the **Building Code** and other applicable enactments respecting safety.
- 4.3 It is 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 a **permit** is issued under this Bylaw, in compliance with the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 4.4 The
 - 4.4.1 issuance of a **permit** under this Bylaw,
 - 4.4.2 acceptance or review of plans, drawings, specifications or supporting documents, or
 - 4.4.3 making of one or more inspections by or on behalf of the **Village**, does not 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 is responsible for making such determination.
- 4.6 An **owner** of the property for which a **permit** is issued must conform to all requirements of this Bylaw and all other enactments and **Village** bylaws applicable to the work for which the **permit** is issued.

5.0 SCOPE AND EXEMPTIONS

5.1 This Bylaw applies to:

- 5.1.1 the design, construction and occupancy of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change of occupancy of existing **buildings** and **structures**;
- 5.1.2 the installation of a new wood burning appliance, certified by a recognized agency, or masonry fireplace, as part of the **construction** of a new **building**, including steel or masonry chimney;
- 5.1.3 the erection or placement of a **temporary building** or **recreational vehicle** as outlined for temporary buildings;

5.2 This Bylaw does not apply to:

- 5.2.1 **buildings** or **structures** to which the **Building Code** does not apply except as expressly provided in this bylaw;
- 5.2.2 retaining **structures** less than 1.5 meters (5 ft.) in height;
- 5.2.3 **decks** without roofs having a difference in elevation to grade not exceeding 600 millimeters (2ft.);
- 5.2.4 existing metal or masonry chimneys;
- 5.2.5 **alterations**, repairs or installation of masonry chimneys or fireplaces, solid fuel-burning appliances, factory built chimneys or fireplaces and related equipment in existing **buildings**;
- 5.2.6 the repair or replacement of a valve, faucet, fixture or sprinkler head in a **plumbing system** if no change in piping is required;

6.0 PROHIBITIONS

- 6.1 No person shall commence or continue any **construction**, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any **building**, **structure** or **plumbing system** 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 new **building** or **structure** without first obtaining an **Occupancy Permit** 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 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 substantially at variance with the accepted design or plans of a **building, structure** or other works for which a **permit** has been issued, unless a **building official** has accepted that variance.
- 6.6 No person shall obstruct the entry on property of a **building official** or other authorized official of the **Village** in the administration of this Bylaw.

7.0 BUILDING OFFICIALS

7.1 A **building official** shall

7.1.1 administer this Bylaw;

7.1.2 keep records of **permit** applications, **permits**, notices and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this Bylaw or make microfilm or digital copies of such documents; and

7.1.3 establish 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 the official's status as a **building official**.

7.3 A **building official** may order the suspension or correction of any work that contravenes the **Building Code** or this Bylaw, if the contravention is revealed to the **building official** on a visual inspection made during the course of carrying out that official's duties. For the purpose of this subsection, the **building official** is not obliged to require any work to be uncovered or removed in order to determine if there is a contravention.

8.0 APPLICATIONS

- 8.1 Unless the work is exempted under Section 5.0 of this Bylaw, every person must apply for and obtain from the **Village** a
 - 8.1.1 building **permit** before constructing or altering a **building** or **structure**;
 - 8.1.2 building **permit** before installation of a **Manufactured Home** or **Modular Home**;
 - 8.1.3 plumbing **permit** before installation, alteration or remodeling of any plumbing is undertaken;
 - 8.1.4 building **permit** before installation of a **pool**;
 - 8.1.5 building **permit** before erecting or placing a **temporary building or recreational vehicle** for temporary use during construction;
 - 8.1.6 building **permit** before moving a **building** or **structure**;
 - 8.1.7 building **permit** before demolition of all residential buildings and all other **buildings** in excess of 300 meters squared (3330 sq. ft.);
- 8.2 All applications made for building **permits** and all other **permits** issued under this Bylaw must be in the form provided by the **Village**.
- 8.3 All plans submitted with **permit** applications must bear the name and address of the designer of the **building** or **structure**.
- 8.4 For each **building, structure** or **plumbing system** to be constructed on a site, the **owner** must obtain a separate building **permit** and be assessed a separate building **permit** fee based on the value of that **building** or **structure** as determined in accordance with Schedule "A" to this Bylaw.

9.0 APPLICATIONS FOR COMPLEX BUILDINGS

- 9.1 An application for a building **permit** with respect to a **complex building** must
 - 9.1.1 be made in the form provided by the **Village** and signed by the **owner** making the application or a signing officer if the **owner** is a corporation;
 - 9.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form provided by the **Village**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - 9.1.3 include a copy of a title search, accompanied by referenced covenants, made within 30 days of the date of the application;
 - 9.1.4 state the intended use of the **building**;

- 9.1.5 include a site plan prepared by a British Columbia Land Surveyor or by a **registered professional** showing
- 9.1.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.5.2 the legal description and civic address of the parcel;
 - 9.1.5.3 the location and dimensions of all statutory rights of way, easements and setback requirements when required by the **building official**;
 - 9.1.5.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 9.1.5.5 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;
 - 9.1.5.6 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
 - 9.1.5.7 the location, dimension and gradient of parking and driveway access;

unless a **building official** has waived the requirement for a site plan, in whole or in part, in the circumstance where the **permit** is sought for the repair or alteration of an existing **building** or **structure**;

- 9.1.6 contain sufficient information on **building** plans to determine compliance with this Bylaw, such as
- 9.1.6.1 floor plans showing
 - (i) the dimensions and uses of all areas,
 - (ii) the location, size and swing of doors,
 - (iii) the location, size and opening of windows,
 - (iv) floor, wall, and ceiling finishes,
 - (v) plumbing fixtures,
 - (vi) structural elements, and
 - (vii) stair dimensions;
 - 9.1.6.2 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and **construction** systems;

- 9.1.6.3 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
 - 9.1.6.4 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**;
 - 9.1.6.5 copies of approvals, including, without limitation, highway access **permits** when required by the Ministry of Highways and Ministry of Health application approval;
 - 9.1.6.6 letters of assurance in the form of Schedule “A” as referred to in the **Building Code**, signed by the owner, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**.
 - 9.1.6.7 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 the **building official** or **Building Code** may require to prepare the design for and conduct field reviews of the **construction** of the **building** or **structure**;
 - 9.1.6.8 two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in Sentences 9.1.6.1 - 9.1.6.3 of this Bylaw.
- 9.2 In addition to the requirements of Subsection 9.1, the following may be required by a **building official** to be submitted with a building **permit** application for the **construction** of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**;
 - 9.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - 9.2.3 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this Bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

10.0 APPLICATIONS FOR STANDARD BUILDINGS

- 10.1 An application for a building **permit** with respect to a **standard building** must

- 10.1.1 be made on the form provided by the **Village** and signed by the **owner** making the application, 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 provided by the **Village**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
- 10.1.3 include a copy of a title search, accompanied by referenced covenants, made within 30 days of the date of the application;
- 10.1.4 state the intended use of the **building**, and where the building is a **temporary building** state the intended duration of use and date of removal, not to exceed two years;

10.1.5 include a site plan showing

- 10.1.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
- 10.1.5.2 the legal description and civic address of the parcel;
- 10.1.5.3 the location and dimensions of all statutory rights of way, easements and setback requirements when required by the **building official**;
- 10.1.5.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
- 10.1.5.5 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;
- 10.1.5.6 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
- 10.1.5.7 the location, dimension and gradient of parking;

unless a **building official** has waived the requirements for a site plan, in whole or in part, in circumstances where the **permit** is sought for the repair or alteration of an existing **building** or **structure**.

10.1.6 contain sufficient information on building plans to determine compliance with this Bylaw, such as

- 10.1.6.1 floor plans showing:

- (i) the dimensions of the building and use of all rooms;
 - (ii) the location, size and swing of doors;
 - (iii) the location, size and opening of windows;
 - (iv) plumbing fixtures; structural elements; and
 - (v) stair dimensions;
- 10.1.6.2 a cross section through the **building** or **structure** showing ceiling heights, crawlspace and roof space details and detailing construction systems, building materials and finishes;
- 10.1.6.3 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.6.4 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**;
- 10.1.6.5 copies of approvals including, without limitation, highway access permits, when required by the Ministry of Highways, and Ministry of Health application approval;
- 10.1.6.6 a foundation design prepared by a **registered professional** in accordance with Division B Section 4.2 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**; and
- 10.1.6.7 two sets of drawings at a suitable scale of the design including the information set out in Sentences 10.1.6.1 – 10.1.6.4 of this Bylaw.
- 10.1.7 The requirements of Sentence 10.1.6.6 may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report and the building **permit** is issued in accordance with Section 56(1) of the *Community Charter*.
- 10.1.8 The requirements of 10.1.6.6 may be waived by a **building official** if documentation, prepared by a **registered professional**, is provided assuring that the foundation design and the foundation excavation substantially comply with Division B Part 9 of the **Building Code**.
- 10.1.9 The requirements of 10.1.6.6 may be waived by a **Building Official** if the footings and foundation for the proposed **building** or **structure** are installed in compliance with Division B Section 9.15 of the **Building Code**.

10.2 In addition to the requirements of Subsection 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**;

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

10.2.3 a roof plan and roof height calculations;

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

10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in the **Building Code**, signed by a **registered professional**;

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**.

10.2.7 A **Building Official** may waive the requirements of Sentence 10.1.6.6 of this bylaw if the design and construction of the foundation of the **Standard Building** and the **building** site that are the subject of the **building permit** meet all the criteria of Division B Section 9.15 of the **Building Code**.

10.2.8 If, once the permit has been issued, the criteria and requirements referred to in Subsection 10.2.7 are not complied with, the **building official** may take one or more of the following actions or any other action deemed necessary:

10.2.8.1 revoke the permit

10.2.8.2 refuse to permit occupancy of the building

10.2.8.3 impose the requirements of Sentence 10.1.6.6 of this bylaw.

11.0 PROFESSIONAL PLAN CERTIFICATION

11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in the **Building Code** and provided pursuant to Sentences 9.1.6.7 and 10.1.6.6, Article 10.2.5, and Subsection 16.1 of this Bylaw are relied upon by the **Village** and its **building officials** as certification that the design and plans to which the letters of

assurance relate comply with the **Building Code** and other applicable enactments relating to safety of the **building**.

- 11.2 A building **permit** issued for the **construction** of a **complex building**, or for a **standard building** for which a **building official** required professional design pursuant to Article 10.2.4 and letters of assurance pursuant to Article 10.2.5 and Sentence 9.1.6.7 of this Bylaw must be in the form provided by the **Village**.
- 11.3 A building **permit** issued pursuant to Subsection 11.2 of this Bylaw must include a notice to the **owner** that the building **permit** is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building **permit** comply with the **Building Code** and other applicable enactments relating to safety.
- 11.4 When a building **permit** is issued in accordance with subsection 11.2 of this bylaw the **permit** fee must be reduced by 5% to reflect the **Village's** reliance upon the **Registered Professional**.

12.0 FEES AND CHARGES

- 12.1 In addition to applicable fees and charges required under other Bylaws, a **permit** fee, calculated in accordance with Schedule "A" to this Bylaw, must be paid in full prior to issuance of any **permit** under this Bylaw.
- 12.2 An application made for a building **permit** must be accompanied by the appropriate plan-check deposit fee prescribed in Schedule "A" to this Bylaw, which is non-refundable and must be credited against the building **permit** fee when the **permit** is issued.
- 12.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.4 The **owner** may obtain a refund of the building **permit** fees paid as prescribed in Schedule "A" to this Bylaw.
- 12.5 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 prescribed in Schedule "A" to this Bylaw must be paid prior to each additional inspection being performed.

13.0 BUILDING PERMITS

- 13.1 When

- 13.1.1 a completed application including all required supporting documentation has been reviewed and approved for permit issuance by a **Building Official**; and
 - 13.1.2 the **owner** or his or her representative has paid all applicable fees set out in Subsection 12.1 of this Bylaw; and;
 - 13.1.3 the **owner** or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw; and
 - 13.1.4 no covenant, agreement, or regulation in favor of the **Village**, or bylaw of the **Village** or other enactment authorizes the permit to be withheld;
- the **permit** for which the application was made shall be issued.

- 13.2 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*.
- 13.3 Every **permit** is issued upon the condition that the **permit** shall expire and the rights of the **owner** under the **permit** shall terminate if
 - 13.3.1 the work authorized by the **permit** is not commenced within 6 months from the date of issuance of the **permit**;
 - 13.3.2 the work is discontinued for a period of 12 (twelve) months; or
 - 13.3.3 the work is not completed within 36 months (3 years) from the date of issuance of the **permit**.
- 13.4 A **Building Official** may, upon termination or expiration of the period of time in Article 13.3.3, grant a renewal of the **permit** for a further 12-month (1 year) period if satisfied that the **construction** is progressing at a reasonable rate, providing that the renewal fee prescribed in Schedule 'A' to this bylaw is paid. Should the **construction**, granted under the renewal **permit**, not be completed within 12 months, the **permit** shall expire and the owner will be required to apply for a new **permit**. The **Building Official** will calculate the fee as prescribed in Schedule 'A' for renewal.
- 13.5 A **building official** may extend the period of time set out under Articles 13.3.1 and 13.3.2 where **construction** has not commenced or where **construction** has been discontinued due to adverse weather, strikes, material or labor shortages, or similar hardship beyond the **owner's** control.
- 13.6 A **building official** may issue a building **permit** for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information has 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** referred to in the previous sentence had not been issued.

- 13.7 A **recreational vehicle** may be used as a **temporary building** at a site for a single-family dwelling project where a permit has been issued and construction is occurring for the dwelling on the same site. Such **recreational vehicle** may be used as a **temporary building** during the construction period of the dwelling, but no longer than 1 (one) year from the date of issuance of the permit for the dwelling. The **recreational vehicle** must be connected to the Village's water and sewer system and approved by the Village's Public Works Foreman.

14.0 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**.

15.0 CLIMATIC AND GEOLOGICAL DATA

- 15.1 Climatic data for the design of buildings in the **Village** are to be as specified in the British Columbia Building Code (BCBC). Additional design data are to be found in Schedule B.

16.0 PROFESSIONAL DESIGN AND FIELD REVIEW

- 16.1 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 that 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**.
- 16.2 Prior to the issuance of a **final inspection report** for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with Sentences 9.1.6.7 and 10.1.6.6, Article 10.2.5 or Subsection 16.1 of this Bylaw, the owner must 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**.
- 16.3 When a **registered professional** provides letters of assurance in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, or Subsections 16.1 or 16.2 of this

Bylaw, the **registered professional** must also provide proof of professional liability insurance/errors and omissions to the building official in the form provided by the **Village**.

17.0 RESPONSIBILITIES OF THE OWNER

- 17.1 Every **owner** must ensure that all construction complies with the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 17.2 Every **owner** to whom a **permit** is issued must, during **construction**,
- 17.2.1 post and maintain the **permit** in a conspicuous place on the property in respect of which the **permit** was issued;
- 17.2.2 keep a copy of the accepted designs, plans and specifications on the property; and
- 17.2.3 post the civic address on the property in a location visible from any adjoining streets.
- 17.3 Before a Building or Demolition **Permit** is issued, the owner shall deliver to the Village of Salmo the deposit described in Schedule “A” to secure payment for injury to, destruction, defacement or disturbance of Village property, including installations, sewer, drainage and all utilities, roads and accesses, caused by the work for which the **Permit** was issued or by a person doing the work. The Village of Salmo may apply the deposit towards making good such injury, destruction, defacement or disturbance, and shall return any balance to the owner when an Occupancy **Permit** is issued or upon completion of all demolition work. Where, in the opinion of the **building official**, the nature of the work is such that it is unlikely to cause any injury and will have a value of \$10,000.00 or less, the **building official** may waive the requirements for a deposit.
- 17.4 Notwithstanding the payment of a deposit in accordance with subsection (3), an applicant for a permit shall be liable for the full amount of all damage to municipal utilities or property, which occurs during and is attributable to the carrying out of the work authorized by the permit.

18.0 INSPECTIONS

- 18.1 When a **registered professional** provides letters of assurance in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, or Subsections 16.1 or 16.2 of this Bylaw, the **Village** will rely solely on field reviews undertaken by the **registered professional** and the letters of assurance submitted pursuant to this Bylaw as

assurance that the **construction** substantially conforms to the design and that the **construction** substantially complies with the **Building Code**, this Bylaw and other applicable enactments respecting safety.

- 18.2 Notwithstanding Subsection 18.1 of this Bylaw, a **building official** may attend the site from time to time during the course of **construction** to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the **registered professionals**.
- 18.3 A **building official** may attend periodically at the site of the **construction** of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with those portions of the **Building Code**, this Bylaw and any other applicable enactment concerning safety.
- 18.4 The **owner** or his or her representative **shall** give at least 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:

SITING: After siting of the building and formwork for the footings and foundation is completed, but prior to the pouring of concrete. The **building official** may require the owner to provide a **building location survey certificate** if building setbacks from property lines cannot be adequately or accurately determined.

DAMP-PROOFING AND FOUNDATION PERIMETER DRAINAGE:

After foundation damp-proofing and perimeter drainage piping installations have been completed, including drain rock but before backfilling.

PLUMBING:

- i. **UNDERSLAB:** After under slab drain and water distribution piping has been installed, with test applied but before covering.
- ii. **RADIANT HEATING:** After in-slab radiant heat distribution piping has been installed, with test applied but before covering.
- iii. **ROUGH-IN:** After drain waste and vent, and water distribution piping has been installed, with test applied but before covering.

FRAMING: When framing, sheathing and roofing of the building have been completed and the electrical, mechanical and plumbing rough-ins have been completed but before installing any insulation or vapour barrier materials or otherwise covering.

MASONRY FIREPLACE:

- i. **FIRST INSPECTION:** Installation of first flue liner above smoke chamber.
- ii. **SECOND INSPECTION:** Chimney cap, but **PRIOR** to installing.

SOLID FUEL BURNING APPLIANCE: When the appliance and the chimney are installed, but **PRIOR** to using. The chimney must not be concealed for inspection purposes.

INSULATION: After all thermal and acoustic insulation materials, vapour barrier and fire stopping components have been installed and the building is ready to have interior finishes installed but before covering. The exterior sheathing membrane shall be completed as required to prevent the wetting of the insulated wall cavity.

FLASHING AND SHEATHING MEMBRANE: After all flashings and other elements of the second plane of protection against precipitation ingress have been installed but before covering.

OCCUPANCY: PRIOR to occupying a new building, Health and Safety aspects of the building regulations must be completed at this time or a Conditional Occupancy Permit will be issued. The conditional items on the Occupancy Permit will be required to be completed within a specified time.

FINAL: When the building or portion of new construction has been completed and all previous inspection deficiencies have been corrected.

OTHER INSPECTIONS: As directed by the Building Official to ascertain compliance with this bylaw.

- 18.5 No aspect of the work referred in Subsection 18.4 of this Bylaw may be concealed until a **building official** has accepted it in writing.
- 18.6 The requirements of Subsection 18.4 of this Bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance provided in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, and Subsection 16.1 or 16.2 of this Bylaw.
- 18.7 The building official may require that the owner submit a **building location survey certificate** at the footing/foundation formwork stage of construction, prior to pouring concrete. He may withhold authorizing the continuation of construction by posting a "STOP WORK" notice until a survey certificate is submitted that confirms that the building location complies with all applicable regulations and bylaws.

19.0 OCCUPANCY PERMIT

- 19.1 No person may occupy a new **building** or **structure** or part of a new **building** or **structure** until an **Occupancy Permit** has been issued in the form provided by the **Village**.
- 19.2 An **Occupancy Permit** must not be issued unless:

- 19.2.1 all letters of assurance have been submitted when required in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, and Subsection 16.1 or 16.2 of this Bylaw.
- 19.2.2 all aspects of the work requiring inspection and acceptance pursuant to Subsection 18.4 of this Bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with Subsection 18.6 of this Bylaw.
- 19.3 A **Building Official** may issue an **Occupancy Permit** for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in Subsection 19.2 of this Bylaw have been met with respect to it.
- 19.4 Notwithstanding Subsection 19.1, a **Building Official** may issue a conditional **Occupancy Permit** outlining the date before which an owner must complete conditions to occupancy of the **building** or **structure**.

20.0 POOLS

- 20.1 No person may commence or continue any work related to the installation, **construction** and alteration of a **pool** unless a valid building **permit** has been obtained pursuant to this Bylaw.
- 20.2 An exterior **pool area** must be enclosed within a fence of not less than 1.5 meters (5 ft.) in height. The fence must be designed and constructed so that no member, attachment or opening will facilitate climbing. All openings through the fence must be of a size as to prevent the passage of a spherical object having a diameter of 100 mm. (4 inches). Access through the fence enclosing the **pool** must be equipped with a self-closing gate so designed as to cause the gate to return to a closed position when not in use. The self-latching device must be located on the **pool** side of the fence at a height of at least 1.0 meters (3 ft 3 inches) above grade or on the outside of the fence at 1.4 meters (4 ft 7 inches) above grade.
- 20.3 Despite subsection 20.2, standard chain link wire mesh may be acceptable provided that the fence is not less than 1.5 meters (5 ft.) in height.
- 20.4 Each **owner** or occupier of property on which a **pool** is located must maintain a fence required under this section in good order. All sagging gates, loose parts, torn mesh or missing material, worn latches, locks or broken or binding members must be promptly replaced or repaired.
- 20.5 Public swimming **pools** and spas require Ministry of Health approval prior to issuance of building **permits**.

21.0 RETAINING STRUCTURES

- 21.1 A registered professional must undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.5 meters (5 ft.) 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 (5 ft.) in height shall be submitted to a building official prior to acceptance of the works.

22.0 PENALTIES AND ENFORCEMENT

- 22.1 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 (ten thousand dollars) or to imprisonment for not more than six months.
- 22.2 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.
- 22.3 Every person who commences **construction** requiring a **permit** without first having obtained the required **permit** shall, if a Stop Work notice has been posted, pay an additional fee equal to the calculated **permit** fee prior to obtaining the required **Building Permit**.
- 22.4 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 on the **building** or **structure** in the form provided by the **Village**.
- 22.5 The **owner** of property on which a Stop Work notice has been posted, and every other person, must cease all **construction** work immediately and must not do any work until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work notice has been rescinded by a **building official**.
- 22.6 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of Subsection 6.2 of this Bylaw, a **building official** may post a Do Not Occupy notice in the form provided by the **Village** on the affected part of the building or structure.
- 22.7 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, must cease occupancy of the **building** or **structure** immediately and must 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**.

23.0 SEVERABILITY AND APPLICATION

- 23.1 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.

23.2 This bylaw shall apply to all areas of the Village of Salmo.

24.0 TRANSITION

24.1 This Bylaw shall not affect the right of an **owner** under a **permit** issued prior to the coming into force of this Bylaw, provided the **owner** has commenced work within six (6) months of the date of issuance of the **permit** and has actively and continuously carried out work thereafter according to this Bylaw.

25.0 ENACTMENT AND REPEAL

25.1 This Bylaw shall come into full force and effect upon its final passage and adoption.

25.2 Bylaw #538 – Building Bylaw, Bylaw #596 – Building Permit Fees Amendment, and Bylaw #609 – Building Permit Values Amendment are hereby repealed.

READINGS, APPROVAL AND ADOPTION

READ A FIRST TIME	this 13 th day of July, 2010
READ A SECOND TIME	this 27 th day of July, 2010
READ A THIRD TIME	this 24 th day of August, 2010
RECONSIDERED AND FINALLY ADOPTED	this 9 th day of November, 2010

Mayor

Corporate Officer

**VILLAGE OF SALMO
SCHEDULE 'A' – PERMIT FEES
TO BUILDING BYLAW NO. 618, 2010**

A. BUILDING PERMIT FEES

Fee for construction value (declared or assessed) as determined by the Village of Salmo for all new construction, reconstruction, additions, extension, alterations or repair of any building and the placement of single or double-wide manufactured homes.

BASIC FEE: \$ 1.00 - \$1,000.00	\$ 50.00
\$ 1,000.00 and over	\$ 10.50 per \$1,000.00 or portion thereof

B. RELATED PERMIT FEES

1. Manufactured home set up	single wide.....	\$200.00
	double wide.....	\$300.00
2. Change of occupancy (commercial only)		\$100.00
3. Pools (fence requirements)		\$100.00
4. Demolition		\$100.00
5. Moving a building		\$100.00
6. Temporary building (or Recreational Vehicle).....		\$200.00
7. Occupant Load Calculation		\$100.00
8. Re-Inspection		\$ 50.00
9. Administrative fee to remove "Notice on Title".....		\$750.00
10. Permit Renewal.....		\$100.00
11. Administrative Fee to Prepare and Register Restrictive Covenant on Title.....		\$200.00
12. Mapping Services Fee.....		\$ 25.00
13. Deposit Required by Section 17.3.....		\$2000.00

C. PLUMBING PERMIT FEES

Plumbing System \$ 10.50 per fixture
Automatic Sprinkler System - (as per contract price)

D. PERMIT FEE REFUNDS

Building permit fees may be refunded only upon written request from the owner – up to six (6) months from the date of issuance of the building permit – subject to the following conditions:

1. No permit related work on site has commenced (does not include excavation work);
2. For permits exceeding \$200.00 fee, the Village will return \$100.00 or 50% of the permit fee, whichever is the greater amount;
3. The building permit will be cancelled.

E. PLAN CHECK DEPOSIT

Single-family dwelling	\$ 100.00
Multi-family/Industrial/Commercial/Institutional.....	\$ 200.00
Accessory Building or Addition.....	\$ 50.00

Formula For Estimating Value Of Construction

RESIDENTIAL CONSTRUCTION -

Value of residential construction will be calculated as per the contract cost if provided, or calculated as per the following costs for estimating values of construction, whichever is the greater amount.

1 Floor Finished (Good Quality) Full Basement Unfinished	\$150.00 p.s.f.
1 Floor Finished (Fair/Average Quality) Full Basement Unfinished	\$125.00 p.s.f.
1 Floor Finished (Low Quality)- Full Basement Unfinished	\$100.00 p.s.f.
1 Floor Finished - Crawl Space	\$100.00 p.s.f.
1 Floor Finished - Slab on Grade	\$100.00 p.s.f.
Basement (for relocation of residence)	\$ 25.00 p.s.f.
Residential Addition on a crawl space or slab (no kitchen or bathrooms)	\$ 60.00 p.s.f.
Finished Basement	\$ 25.00 p.s.f.
Finished 2nd & 3rd storey	\$ 70.00 p.s.f.
Sundeck	\$ 20.00 p.s.f.
Sundeck with Roof	\$ 25.00 p.s.f.
Attached garage	\$ 40.00 p.s.f.
Detached garage	\$ 30.00 p.s.f.
Carport	\$ 25.00 p.s.f.
Accessory Building up to 550 sq. ft.	\$ 25.00 p.s.f.
Farm Building	\$ 10.00 p.s.f.

MOBILE HOME COSTS

Crawl Space under Mobile Home	\$ 15.00 p.s.f.
Basement under Mobile Home	\$ 25.00 p.s.f.
Roof over Mobile Home	\$ 25.00 p.s.f.
Mobile Home Additions	\$ 60.00 p.s.f.

OTHER

Fireplace	\$4,000.00
Wood-Burning Appliance	\$4,000.00

Value of construction for Commercial, Industrial or Institutional buildings will be calculated as per the CONTRACT or TENDERED cost. Where there is no contract or tendered price, the value shall be calculated according to the following schedule:

COMMERCIAL CONSTRUCTION

Commercial Building (shell only)	\$ 50.00 p.s.f.
Commercial Building - Interior finish	
(restaurants)	\$ 30.00 p.s.f.
(office buildings)	\$ 25.00 p.s.f.
(other)	\$ 15.00 p.s.f.

INDUSTRIAL CONSTRUCTION

Industrial Buildings (shell only)	\$ 50.00 p.s.f.
Industrial Buildings (interior finish)	\$ 10.00 p.s.f.

INSTITUTIONAL CONSTRUCTION

Contract or Tendered Cost

**VILLAGE OF SALMO
SCHEDULE 'B' - CLIMATIC AND GEOLOGICAL DATA
TO BUILDING BYLAW NO. 618, 2010**

Climatic data for the design of buildings in the Village of Salmo are deemed to be:

DESIGN TEMPERATURE

January	2.5% design temperature	-24°C
January	1% design temperature	-26°C
July	2.5% dry bulb temperature	33°C
July	2.5% wet bulb temperature	19°C
Degree-days below 18°C		4,303

PRECIPITATION

Fifteen (15) minute rain	10mm
One day rain	66mm

MAXIMUM GROUND SNOWLOAD

	<u>kPa</u>	<u>P.S.F.</u>
Salmo	5.5	116
Associated Rain Load S ^R	0.1 kPa	

HOURLY WIND PRESSURES

Probability	1/10	.24 kPa
	1/50	.34 kPa

SEISMIC DATA

Seismic Spectral Response Accelerations	Sa(0.2)	0.27
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**VILLAGE OF SALMO
BUILDING BYLAW NO. 618, 2010**

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