



## VILLAGE OF SAYWARD

### BYLAW NO. 334 Village of Sayward Building Bylaw, 2005 (Consolidated)

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#### A BYLAW TO PROVIDE FOR THE REGULATION OF CONSTRUCTION WITHIN THE VILLAGE OF SAYWARD AND THE ADMINISTRATION AND ENFORCEMENT OF THE BUILDING CODE

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The following is a consolidated version of Bylaw No. 334, Village of Sayward Building Bylaw, 2005 and includes the following amendment bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
451	Fees and Charges Bylaw No. 451, 2019	May 7, 2019	To delete Appendix A, Appendix B, Appendix C and Appendix D in their entirety and add the following as Section 14.6: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".

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**Bylaw 451,  
2019**

{Appendix A, B, C, D deleted}



## VILLAGE OF SAYWARD BYLAW NO. 334

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### A BYLAW TO PROVIDE FOR THE REGULATION OF CONSTRUCTION WITHIN THE VILLAGE OF SAYWARD AND THE ADMINISTRATION AND ENFORCEMENT OF THE BUILDING CODE

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**WHEREAS** the *Community Charter* empowers the Village of Sayward, to regulate, prohibit and impose requirements on buildings and structures within municipal boundaries;

**AND WHEREAS** the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities 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 Sayward, in open meeting assembled, enacts as follows:

#### 1.0 Title

1.1 This Bylaw may be cited for all purposes as the “Village of Sayward Building Bylaw No. 334.”

#### 2.0 Definitions

2.1 In this Bylaw:

The following words and terms have the meanings set out in section 1.1.3.2 of Part 1 of the *British Columbia Building Code 1998*, as amended, or replaced from time to time: **building, building area, building height, constructor, coordinating registered professional, designer, dwelling unit, field review, major occupancy, occupancy, owner, registered professional and residential occupancy.**

**Building Code** means the *British Columbia Building Code 1998* adopted, amended, added to or varied by Provincial Regulation under the authority of the *Local Government Act*, as amended or replaced from time to time.

**Chief Administrative Officer (CAO)** means the person appointed by **Council**, from time to time, as Chief Administrative Officer for the Village of Sayward, or his or her designated alternate.

**Mobile Home** means a transportable dwelling unit, which arrives at the site where it is to be occupied, complete and ready for occupancy except for placing on foundation supports,

connections of utilities, and some incidental assembly, and conforms to the Canadian Standards Association's Z240 MH Series 96 and Z241 Series 92 standards, but specifically excludes recreational vehicles.

**Municipality** means the Village of Sayward.

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

**Pool** means any **structure** constructed or prefabricated, existing or prospective, which is used primarily for swimming, bathing or wading, having an enclosed water area exceeding 15 square metres (161.5 square feet) or a depth exceeding 500 millimetres (20 inches) and which does not fall under the jurisdiction of the *Health Act* for swimming pools.

**Pool area** means the enclosed area around the perimeter of a **pool** to a maximum of 7.5 metres (24.6 feet) from the edge of the water surface.

**Structure** means anything that is constructed or erected on land, supported by or sunk into water, and includes swimming pools, and major improvements accessory to the principal use of land, but specifically excludes retaining walls and fences under 2.0 metres (6.6 feet) in height, landscaping, paving improvements and signs under 0.5 square metres (5.38 square feet) in area.

### 3.0 Purpose of Bylaw

- 3.1 This Bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This Bylaw has been enacted for the purpose of regulating construction within the **Municipality** in the general public interest. The activities undertaken by or on behalf of the **Municipality** under to this Bylaw are for the sole purpose of providing a limited and interim spot-checking function for reason of public health and safety. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:
- 3.2.1 to the protection of **owners**, owner/builders or **constructors** from economic loss;
  - 3.2.2 to the assumption by the **Municipality** or the **CAO** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this Bylaw or other applicable enactments respecting safety;
  - 3.2.3 to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this Bylaw;
  - 3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the **Municipality** is free from latent, or any, defects;
  - 3.2.5 to 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 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 **Municipality** 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 the Building Code, this Bylaw and other applicable enactments, codes or standards.
- 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, this Bylaw and other applicable enactments, codes or standards.
- 4.4 Neither the issuance of a **permit** or a certificate of occupancy, under this Bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the **Municipality** constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw and or other applicable enactments, codes and standards 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.
- 4.6 An owner of property for which a **permit** is issued shall conform to all requirements of this Bylaw and all other enactments and municipal bylaws applicable to the work for which the **permit** was issued.
- 4.7 No **permit** shall be issued for the construction of any residential, institutional, commercial or industrial building by the **Municipality** until the following essential services are provided for:
- a) community water service or other source of potable water, satisfactory to the **Municipality**
  - b) a community sanitary sewer service or other method of sewage disposal satisfactory to the **Municipality**.
  - c) a method of storm drainage disposal.

#### 5.0 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, **occupancy** and change of **occupancy** of existing **buildings** and **structures**.
- 5.2 This Bylaw does not apply to:
- 5.2.1 **buildings** or **structures** exempted by Part 1 of the **Building Code**, including buildings or structures less than 10 m<sup>2</sup> (107.6 sq ft) in building area, except as expressly provided

herein; and

5.2.2 fences and retaining structures less than 2 metres (6.6 feet) in height.

## 6.0 Prohibitions

### 6.1 General

- 6.1.1 Work without Permits No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the **occupancy** of any **building** or **structure**, including excavation or other work related to construction unless the **CAO** has issued a valid and subsisting **permit** for the work.
- 6.1.2 Occupancy No person shall occupy or use any **building** or **structure** unless a valid and subsisting occupancy permit has been issued by the **CAO** for the **building** or **structure**, or contrary to the terms of any **permit** issued or any notice given by the **CAO**.
- 6.1.3 False Information No person shall knowingly submit false or misleading information to the **CAO** in relation to any **permit** application or construction undertaken pursuant to this Bylaw.
- 6.1.4 Tampering with Notices No person shall, unless authorized in writing by the **CAO**, 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.
- 6.1.5 Approved Plans No person shall do any work that is substantially at variance with the accepted design or plans of a **building**, **structure** or other works for which a **permit** has been issued, unless that variance has been accepted in writing by the **CAO**.
- 6.1.6 Obstruction No person shall obstruct the entry of the **CAO** or other authorized official of the **Municipality** on property in the administration of this Bylaw.
- 6.1.7 Cessation of Work No person shall continue to do any work upon a building or **structure** or any portion of it after the **CAO** has ordered cessation or suspension of work on it.
- 6.1.8 Contrary No person shall do work or carry out any construction contrary to a provision or requirement of the **Building Code**, this Bylaw or any other applicable enactment, code or standard.
- 6.1.9 Demolition No person shall demolish or deconstruct a **building** or **structure** unless the **CAO** has issued a valid and subsisting building permit for the work.

## 7.0 Chief Administrative Officer (CAO)

7.1 The **CAO** may:

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

- 7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a **permit** is sought under this Bylaw substantially conform to the requirements of the **Building Code**.
- 7.2 The **CAO**:
  - 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;
  - 7.2.3 shall carry proper credentials confirming his or her status as the **CAO**.
- 7.3 The **CAO**:
  - 7.3.1 may order the suspension or correction of any work which is being done, or has been done improperly under any **permit**.
  - 7.3.2 may order the cessation of work that is proceeding in contravention of the **Building Code**, this Bylaw or any other applicable enactment, code or standards by advising the permit holder by letter or by a written notice posted adjacent to the work.
  - 7.3.3 May direct the tests of material, devices, construction material, structural assemblies, or foundation conditions be undertaken, or sufficient evidence be submitted at the expense of the **owner**, where such test or evidence are necessary to determine whether the materials, devices, construction materials or foundations meet the requirements of the **Building Code**, this Bylaw or any other applicable enactment. The records of such tests or evidence shall be kept available for inspection during the construction of the **structure** as required by the **municipality**.
- 8.0 Applications**
- 8.1 Unless the work is exempted under section 5.2 of this Bylaw, every person shall apply for and obtain from the **Municipality** a:
  - 8.1.1 building permit before constructing, repairing or altering a **building** or **structure**;
  - 8.1.2 demolition permit before demolishing a **building** or **structure**;
  - 8.1.3 moving permit before relocating a building or part thereof either within or into the **Municipality**.
- 8.2 An application for a demolition permit shall be made in the form provided by the **Municipality**.
- 8.3 An application for a moving permit shall be made in the form provided by the **Municipality**.
- 8.4 All plans submitted with **permit** applications shall bear the name and address of the **designer** of the **building** or **structure**.
- 8.5 Each **building** or **structure** to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee.

## 9.0 Applications for Building Permit

9.1 An application for a building permit shall:

- 9.1.1 be made in the form provided by the **Municipality**, signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional** where 2 or more than **registered professionals** are required to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;
- 9.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form provided by the **Municipality**, signed by the **owner**, or a signing officer if the **owner** is a corporation;

and include the following:

- 9.1.3 a copy of a land title search made within 14 days of the date of the application, complete with copies of all easements, statutory rights of way and covenants registered against the title;
- 9.1.4 a site plan, prepared by a British Columbia Land Surveyor showing:
  - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - 9.1.4.2 the legal description and civic address of the parcel;
  - 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
  - 9.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
  - 9.1.4.5 setbacks to the natural boundary of the sea and any lake, swamp, pond or watercourse where the **Municipality's** land use regulations establish siting requirements related to flooding;
  - 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** or the top of any pad supporting a **building** or **structure** where the **Municipality's** land use regulations establish siting requirements related to minimum flood construction levels;
  - 9.1.4.7 the location, dimension, and gradient of parking and driveway access;
- 9.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- 9.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;

- 9.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 9.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 9.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, 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 signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional** where 2 or more **registered professionals** are required to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;
- 9.1.11 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals** as the **CAO** or **Building Code** may require to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;
- 9.1.12 two sets of specifications and 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 The **CAO** may waive the requirements for a site plan under section 9.1.4, in whole or in part:
  - 9.2.1 where the **permit** is sought for the repair or alteration of an existing **building** or **structure**, that does not change the footprint of the building.
- 9.3 In addition to the requirements of section 9.1, the following may be required by the **CAO** to be submitted with a building permit application where the project involves **buildings** exceeding 600 square metres (6458.5 square feet) in **building area** or exceeding 3 storeys in **building height**, or 2 or more buildings, which in the aggregate total more than 1,000 square metres (10,764.3 square feet), or 2 or more **buildings** that will contain 4 or more **dwelling units**, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
  - 9.3.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the **Municipality's** Subdivision Servicing Bylaw;
  - 9.3.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
  - 9.3.3 a roof plan and roof height calculations;
  - 9.3.4 architectural, structural, electrical, mechanical, plumbing or fire suppression drawings prepared and sealed by a **registered professional**;

9.3.5 any other information required by the **CAO** 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 Professional Plan Certification**

10.1 The letters of assurance in the form of Schedules B-1 and B-2 contained in Part 2 and referred in section 2.6 of Part 2 of the **Building Code** and provided pursuant to this Bylaw are relied upon by the **Municipality** and its **CAO** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments, codes or standards.

10.2 A building permit issued for the construction of a **building** for which the **CAO** required professional design pursuant to this Bylaw shall be made in the form provided by the **Municipality**.

10.3 A building permit issued pursuant to section 10.2 of this Bylaw shall include a notice to the **owner** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.

#### **11.0 Certificate of Location for Buildings and Structures**

11.1 Every **owner** to whom a **permit** is issued shall, upon completion of the foundations, submit a certificate of location prepared by a British Columbia Land Surveyor showing:

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

11.1.2 the legal description and civic address of the parcel;

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

11.1.4 the location and dimensions of all **buildings** or **structures** on the parcel;

11.1.5 setbacks to the natural boundary of the sea and any lake, swamp, pond or watercourse where the **Municipality's** land use regulations establish siting requirements related to flooding;

11.1.6 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** or the top of any pad supporting a **building** or **structure** where the **Municipality's** land use regulations establish siting requirements related to minimum flood construction levels.

11.2 Every **owner** to whom a **permit** is issued shall, upon completion of the framing, submit a certificate of location prepared by a British Columbia Land Surveyor showing the height of the **building** or **structure** from the average natural grade to the highest part of the roof or **structure** where the **Municipality's** land use regulations establish siting requirements related to the height of **buildings** or **structures**.

11.3 The **CAO** may waive the requirements for a certificate of location set out in sections 11.1 and 11.2 of this Bylaw, in whole or in part, where;

11.3.1 the **permit** is issued for the repair or alteration of an existing **building** or **structure** where the footprint of the building has not been changed.

## **12.0 Building Numbering**

12.1 The **Municipality** may assign a number to all buildings corresponding to the **Municipality's** Building Numbering Bylaw

12.2 The owner of a building, to which a building number has been assigned, shall permanently affix the number to the building in a place that can be readily observed from the street.

12.3 The number assigned to the building shall be a minimum of 100 millimetres (3.9 inches) in height.

## **13.0 Damage Deposits**

13.1 An owner of property for which a **permit** is issued must deposit with the **Municipality** a damage deposit, acceptable to the **Municipality**, in the amount of \$1500.00, to guarantee payment to the **Municipality** for all damage to municipal streets, works or property occasioned in any way including the removal of all debris from municipal streets, provided that notwithstanding the foregoing, the applicant shall be liable for the full amount of all damage herein described.

## **14.0 Fees and Charges**

14.1 An application made for a **permit** shall be accompanied by the appropriate permit processing fee calculated in accordance with Appendix A to this bylaw.

14.1.1 the permit-processing fee is non-refundable;

14.1.2 when:

14.1.2.1 an application for **permit** does not comply with section 16.2 of this Bylaw within 180 days of the date on which the application for **permit** was made; or

14.1.2.2 the **permit** has not been issued and the permit fee paid within 180 days of the date of written notification to the **owner** that the **permit** is ready to be issued;

an application shall be cancelled and the permit-processing fee forfeited;

14.1.3 when an application is cancelled the plans and related documents submitted with the application may be destroyed by the **Municipality**.

14.2 In addition to applicable fees and charges required under other Bylaws, a permit fee, calculated in accordance with Appendices A, B and C to this bylaw, shall be paid in full prior to issuance of any **permit** under this Bylaw.

14.3 The **owner** may obtain a refund of the permit fees pursuant to section 14.2 of this Bylaw when a **permit** is surrendered and cancelled before any construction begins, provided:

14.3.1 the refund shall not include the permit-processing fee paid pursuant to section 14.1 of this Bylaw;

14.3.2 no refund shall be made where construction has begun or an inspection has been made.

14.4 An extension fee equal to 100% of the permit processing fee shall be payable in advance when the **CAO** extends the period of time set out under sections 16.4.1 to 16.4.3 of this Bylaw prior to obtaining the required extension except that every person who fails to extend a **permit** prior to the date on which the **permit** expired shall pay an additional charge equal to 100% of the permit processing fee prior to obtaining the required extension.

14.5 The applicable fees prescribed in Appendix D to this bylaw, shall be payable in advance for the requested services or products listed.

14.6 Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the **Village of Sayward Fees and Charges Bylaw**.

**Bylaw 451,  
2019**

**15.0 Climatic and Geological Data**

15.1 Climatic values required for the design of **buildings** or **structures** shall conform to the values prescribed in Table 15.1.

Table 15.1  
Forming Part of Section 15.1

Design Temperature				Degree Days Below 17°C	15 Minute Rain mm	One Day Rain mm	Annual Total Ppn. mm	Ground Snow Load		Hourly Wind Data		
January		July 2.5%						Kpa		1/10 kPa	1/30 kPa	1/100 kPa
2.5% °C	1% °C	Dry °C	Wet °C					S <sub>s</sub>	S <sub>r</sub>			
-6	-8	26	18	3450	14	135	1750	2.5	0.5	0.49	0.58	0.68

- 15.2 Seismic hazard design values for the design of **buildings** or **structures** shall be those values established by the Geological Survey of Canada using 50°23' Latitude North and 125°58' Longitude West coordinates for the building location.
- 16.0 Building Permits**
- 16.1 When:
- 16.1.1 a completed application including all required supporting documentation has been submitted;
- 16.1.2 the proposed work set out in the application substantially conforms with the **Building Code**, this Bylaw and all other applicable Bylaws and enactments;
- 16.1.3 the **owner** or his or her representative has paid all applicable fees prescribed in sections 13.0 and 14.0 of this Bylaw;
- 16.1.4 the **owner** or his or her representative has paid all fees and charges and met all requirements imposed by any other enactment or Bylaw;
- 16.1.5 no enactment, covenant, agreement, or regulation in favour of, or regulation of, the **Municipality** authorizes the **permit** to be withheld;
- 16.1.6 the **owner** has retained a professional engineer or geoscientist if required by the provisions of this Bylaw or the *Engineers and Geoscientists Act*;
- 16.1.7 the **owner** has retained an architect if required by the provisions of this Bylaw or the *Architects Act*;
- the **CAO** shall issue the **permit** for which the application is made.
- 16.2 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 of compliance with the *Homeowner Protection Act*.
- 16.3 Section 16.2 of this Bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
- 16.4 Every **permit** is issued upon the condition that the **permit** shall expire and the rights of the **owner** under the **permit** shall terminate if:
- 16.4.1 the work authorized by the **permit** is not commenced within 6 months from the date of issuance of the **permit**;
- 16.4.2 work is discontinued for a period of 12 months;
- 16.4.3 the work is not completed within 24 months from the date of issuance of the **permit**.
- 16.5 A **CAO** may extend the period of time set out under sections 16.4.1 – 16.4.3 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.

- 16.6 A **CAO** 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 **Municipality** to demonstrate to the **CAO** 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.
- 16.7 When a site has been excavated and a building **permit** is not subsequently issued or a subsisting building **permit** has expired in accordance with the requirements of section 16.4, but without the construction of the **building or structure** for which the building permit was issued having commenced, the **owner** shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the **Municipality** to do so.
- 17.0 Disclaimer of Warranty or Representation**
- 17.1 Neither the issuance of a **permit** under this Bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by the **CAO**, 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.
- 18.0 Professional Design and Field Review**
- 18.1 When the **CAO** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a **registered professional** provide design and plan certification and **field review** by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the **Building Code**.
- 18.2 Prior to the issuance of an occupancy permit in circumstances where letters of assurance have been required in accordance with sections 9.1.11 and 18.1 of this Bylaw, the **owner** shall provide the **Municipality** with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the **Building Code**.
- 18.3 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11, 18.1 or 18.2 of this Bylaw, he or she shall also provide proof of professional liability insurance to the **CAO** in the form provided by the **Municipality**.
- 19.0 Responsibilities of the Owner**
- 19.1 Every **owner** shall ensure that all construction complies with the **Building Code**, this Bylaw, and other applicable enactments respecting safety.
- 19.2 Every **owner** to whom a **permit** is issued shall be responsible for the cost of repair of any damage to **Municipality** works that occurs in the course of the work authorized by the **permit**.
- 19.3 Every **owner** to whom a **permit** is issued shall, during construction:
- 19.3.1 post and maintain the **permit** in a conspicuous place on the property in respect of which the **permit** was issued;

19.3.2 keep a copy of the accepted designs, plans and specifications on the property;

19.3.3 post the civic address on the property in a location visible from any adjoining streets.

## **20.0 Inspections**

20.1 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11 or 18.1 of this Bylaw, the **Municipality** will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 18.2 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.

20.2 Notwithstanding section 20.1 of this Bylaw, the **CAO** 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**.

## **21.0 Occupancy Permits**

21.1 No person shall occupy or change the class of occupancy of a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form provided by the **Municipality**.

21.2 An occupancy permit shall not be issued unless:

21.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 18.1 and 18.2 of this Bylaw;

21.3 A **CAO** may issue an occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 21.2 of this Bylaw have been met with respect to it.

## **22.0 Retaining Structures**

22.1 A **registered professional** shall undertake the design and conduct **field reviews** of the construction of a retaining structure greater than 2.0 metres (6.6 feet) in height. Sealed copies of the design plan and **field review** reports prepared by the **registered professional** for all retaining structures greater than 2.0 metres (6.6 feet) in height shall be submitted to the **CAO** prior to acceptance of the works.

## **23.0 Pools**

23.1 A person shall:

23.1.1 provide a walkway with a minimum unobstructed width of 1.2 metres (3.94 feet) around the perimeter of a **pool**;

23.1.2 provide a deck around the perimeter of a **pool** where the difference in elevation from the water surface to grade exceeds 900 millimetres (35.4 inches);

23.1.3 enclose an exterior **pool area** within a fence:

23.1.3.1 not less than 1.4 metres (4.6 feet) in height;

- 23.1.3.2 with no opening, including any opening between the bottom of the fence and grade, greater than 100 millimetres (3.94 inches) in its least dimension;
- 23.1.3.3 so designed so that no member, attachment or opening located between 300 millimetres (11.8 inches) and 1.2 metres (3.94 feet) above grade will facilitate climbing;
- 23.1.4 provide access to a **pool area** through a gate equipped with a:
  - 23.1.4.1 self closing device which will return the gate to a closed position and cause it to be held after each use;
  - 23.1.4.2 positive latching device located on the poolside of the fence not less than 1.2 metres (3.94 feet) above grade;
  - 23.1.4.3 locking device;
- 23.1.5 site an exterior **pool** in such a manner that it may be supervised without obstruction from a **building** used for a **major occupancy**.

#### **24.0 Moved or Relocated Buildings and Structures**

- 24.1 When an existing **building** or **structure** is moved or relocated, the **building** or **structure** shall be certified, prior to placement on the site, as complying with sections 9.4 and 9.23 of Part 9 or Part 4 of the **Building Code**.
- 24.2 When a **building** that includes, or will include, a **residential occupancy**, is moved or relocated, the **building** shall conform to this Bylaw and to sections 9.8, 9.9, 9.10, 9.31, 9.32.4.1 (5) – (7), 9.33.5.2 (1)(b), and 9.34.1.1 of Part 9 of the **Building Code**.

#### **25.0 Modular Homes, Mobile Homes and Park Model Trailers**

- 25.1 Factory built housing and components shall be certified, prior to placement on the site, as complying with *Canadian Standards Association Standard*;
  - 25.1.1 *CAN/CSA-A277 “Procedures for Certification of Factory Built Housing;”*
  - 25.1.2 *CAN/CSA-Z240 MH “Mobile Homes;”*
  - 25.1.3 *CAN/CSA-Z241 “Park Model Trailer.”*
- 25.2 Factory built housing and components that are not certified, prior to placement on the site, shall conform to this Bylaw and to sections 9.8, 9.9, 9.10.18, 9.31, 9.32.4.1 (5) – (7), 9.33.5.2 (1)(b), and 9.34.1.1 of Part 9 of the **Building Code**.
- 25.3 Foundation and anchorage design with respect to modular homes, mobile homes and park model trailers shall be prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code** or *Canadian Standards Association Standard, CSA Z240.10.1, “Site Preparation, Foundation, and Anchorage of Mobile Home”*, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**.

## 26.0 Demolition of Buildings and Structures

26.1 When a **building** or **structure** has been demolished and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 16.4, but without the construction of the new **building** or **structure** for which the building permit was issued having commenced, the **owner** shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the **Municipality** to do so.

## 27.0 Permits

27.1 A building permit shall be in the form provided by the **Municipality**.

27.4 A demolition permit shall be in the form provided by the **Municipality**.

27.5 A moving permit shall be in the form provided by the **Municipality**.

## 28.0 Penalties and Enforcement

28.1 Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to the maximum fine and punishment prescribed by enactment for the offence.

28.2 Every person who fails to comply with any order or notice issued by the **CAO**, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.

28.3 A **CAO** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this Bylaw by posting a Stop Work notice in the form provided by the **Municipality**.

28.4 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 the **CAO**.

28.5 Every person who commences work requiring a **permit** without first obtaining such a **permit** shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the permit fee prior to obtaining the required **permit**.

28.6 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this Bylaw the **CAO** may post a Do Not Occupy notice in the form provided by the **Municipality** on the affected part of the **building** or **structure**.

28.7 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 the **CAO**.

## 29.0 Miscellaneous

29.1 Severability If any provision of this Bylaw is or any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remainder of this Bylaw.

- 29.2 **Enactments** Any enactment referred to in this Bylaw is a reference to an enactment of the Province of British Columbia and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to in this Bylaw is a reference to an enactment of the Council of the Village of Sayward, as amended, revised, consolidated or replaced from time to time.
- 29.3 **Appendices** The appendices attached to this Bylaw shall be deemed to be an integral part of this Bylaw.
- Appendix A - Permit Processing Fee and Permit Fee
  - Appendix B - Construction Values – Commercial
  - Appendix C - Construction Values – Residential
  - Appendix D - Miscellaneous Fees

**30.0 Repeal**

- 30.1 Village of Sayward Building Bylaw No. 177, 1988 and all its amendments are hereby repealed.

READ a first time by the Municipal Council this 8<sup>th</sup> day of December, 2004.

READ a second time by the Municipal Council this 8<sup>th</sup> day of December, 2004.

READ a third time by the Municipal Council this 8<sup>th</sup> day of December, 2004.

ADOPTED by the Municipal Council of the Village of Sayward this 12<sup>th</sup> day of January, 2005.

Original signed by “H. Sprout”

**Mayor**

Original signed by “L. Taylor”

**Corporate Officer**