

District of Ucluelet

Building Bylaw No. 1165, 2014

DISTRICT OF UCLUELET

BUILDING BYLAW NO. 1165, 2014

A bylaw to provide for the administration of the *Building Code*.

WHEREAS section 8(3)(i) and 53 of the *Community Charter* authorizes the District of Ucluelet, to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw, including for the health, safety and protection of persons and property and other reasons; and

WHEREAS the Province of British Columbia has adopted a Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province; and

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

WHEREAS the following table of contents and headings are inserted for ease of reference purposes only:

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NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. TITLE

- 1.1. This bylaw may be cited for all purposes as the “District of Ucluelet Building Bylaw No. 1165, 2014” or “Building Bylaw 1165, 2014”.

2. DEFINITIONS

- 2.1. In this bylaw:

The following words and terms have the meanings set out in Subsection 1.4.1 of the *British Columbia Building Code 2012: assembly occupancy, braced wall band, braced wall panel, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, excavation, field review, heavy construction, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, plumbing system, registered professional, and residential occupancy.*

Building Code means the *British Columbia Building Code 2012* as adopted by the Minister pursuant to section 692(1) of the *Local Government Act*, as amended or re-enacted from time to time.

Bylaw Enforcement Officer means any of the following persons appointed by the District of Ucluelet Council to enforce the District of Ucluelet bylaws:

- (a) *Bylaw Enforcement Officer,*
- (b) Building Inspector, and

- (c) Chief Administrative Officer.

Building Official means a person employed or contracted by the *District* to administer this bylaw including a *Bylaw Enforcement Officer*.

Complex Building means:

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

District means the District of Ucluelet.

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and Sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, except to the extent that it deals with the potability of the water supply, 9.32, and 9.34 of Part 9 of the *Building Code*.

Owner means the registered owner in fee simple or an agent duly authorized by the owner in writing in a form satisfactory to the *Building Official*.

Standard Building means *buildings* of three storeys or less in *building height*, having a *building area* not exceeding 600 square meters and used for *major occupancies* classified as

- (a) *residential occupancies*,
- (b) *business and personal services occupancies*,

- (c) *mercantile occupancies, or*
- (d) *medium and low hazard industrial occupancies.*

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

3. 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 *District* in the general public interest. The activities undertaken by or on behalf of the *District* pursuant to this bylaw are for the sole purpose of providing a limited and interim spot check including for reasons 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:
 - (a) the protection of *Owners, Owner/builders or constructors* from economic loss;
 - (b) the assumption by the *District* or a *Building Official* of any responsibility for ensuring the compliance by an *Owner*, his or her agents, representatives, contractors or employees, *constructors* or *designers* retained by him or her, with the *Building Code*, the requirements of this bylaw or other applicable enactments respecting safety, and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*;
 - (c) providing any person with a warranty of design or workmanship with respect to a *building* or *Structure* for which a *building* permit is issued under this bylaw;
 - (d) providing a warranty or assurance that construction undertaken pursuant to *building* permits issued by the *District* is free from latent, or any defects; or
 - (e) providing to any person a warranty 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 *building* permit or *occupancy* permit is issued under this bylaw.

4. PERMIT CONDITIONS

- 4.1. A permit is required whenever work regulated under this bylaw is to be undertaken.

- 4.2. Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections or monitoring made by or on behalf of the *District* 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*, the requirements of this bylaw and other applicable enactments respecting safety, and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*, applicable to the work.
- 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 enactments respecting safety and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*.
- 4.4. Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made or monitoring activities undertaken by or on behalf of the *District* constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this bylaw and other applicable enactments respecting safety, and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*, have been complied with.

5. SCOPE AND EXEMPTIONS

- 5.1. This bylaw applies to the design, construction and *occupancy* of new *buildings* and *Structures*, and the alteration, reconstruction, demolition, removal, relocation, change of *occupancy* and *occupancy* of existing *buildings* and *Structures*.
- 5.2. This bylaw does not apply to:
- (a) *buildings* or *Structures* exempted by Division A, Part 1 of the *Building Code* except as expressly provided herein;
 - (b) retaining *Structures* less than 1.5 meters in height; or
 - (c) minor repairs or alterations which are not included in the definition of *Health and safety aspects of the work*.

6. PROHIBITIONS

- 6.1. No person shall commence or continue construction, an alteration, reconstruction, demolition, removal or relocation or change the *occupancy* of any *building* or *Structure* including *excavation* or other work related to construction, unless a *Building Official* has issued a valid and subsisting permit for the work.
- 6.2. No person shall occupy or use a *building* or *Structure* unless a valid and subsisting

occupancy permit has been issued by a *Building Official* for the *building* or *Structure*, or contrary to the terms of a permit issued or a notice given by a *Building Official*.

- 6.3. No person shall knowingly submit false or misleading information to a *Building Official* in relation to a permit application or construction undertaken pursuant to this bylaw.
- 6.4. No person shall reverse, alter, deface, cover, remove or in any way tamper with a notice, permit or certificate posted upon or affixed to a *building* or *Structure* pursuant to this bylaw, unless written authorization is first provided by a *Building Official*.
- 6.5. No person shall do any work that is substantially at variance with the accepted design, plans or specifications of a *building*, *Structure* or other works for which a permit has been issued, unless that variance has been accepted in writing by a *Building Official*.
- 6.6. No person shall obstruct the entry of a *Building Official* or other authorized official of the *District* on property in the administration of this bylaw.

7. BUILDING OFFICIALS

7.1. Each *Building Official* may:

- (a) administer this bylaw;
- (b) receive and review applications, and issue permits, notices and orders;
- (c) 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 which may be in microfilm or digital form;
- (d) establish whether the methods or types of construction and types of materials used in the construction of a *building* or *Structure* substantially conform to the requirements of the *Building Code*; and
- (e) prescribe from time to time the form of permits, permit applications, notices and orders, except to the extent already prescribed by this bylaw.

7.2. A *Building Official*:

- (a) may enter any land, *building* or premises at all reasonable times to ascertain whether the requirements of this bylaw are met and its regulations are observed;
- (b) where any residence is occupied shall obtain the consent of the occupant or provide advance written notice to the occupant 24 (twenty four) hours before

entry; and

(c) shall carry proper credentials confirming his or her status as a *Building Official*.

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

7.4. If a cessation of work is ordered under Section 22, a *Building Official* may authorize work in order to correct the contravention, or to continue the work when the contravention has been corrected to the *Building Official's* satisfaction.

8. APPLICATIONS

8.1. Unless exempted by Section 5.2 of this bylaw, a person shall apply for and obtain:

(a) a *building* permit before constructing, repairing or altering a *building* or *Structure*;

(b) a moving permit before moving a *building* or *Structure*;

(c) a demolition permit before demolishing a *building* or *Structure*;

(d) an *excavation* permit before excavating a site unless the *excavation* is included in a valid and subsisting *building* permit;

(e) such other permits as this bylaw may require.

8.2. An application for a permit required under this bylaw shall be made in the form prescribed by the *District*.

8.3. All plans submitted with permit applications shall bear the name and address of the *designer* of the *building* or *Structure*.

8.4. Each *building* or *Structure* to be constructed on a site may require a separate *building* permit and where so required each *building* or *Structure* shall be assessed a separate *building* permit fee calculated as prescribed in Schedule "A" to this bylaw.

8.5. The value of a *building* or *Structure*, for the purposes of calculating the applicable fee prescribed in Schedule "A", shall be calculated according to the formulae prescribed in Schedule "B".

8.6. When the application is in respect of a *building*, or portion of a *building*, that is newly constructed or being constructed and is intended for *residential occupancy*, the *Owner* shall provide evidence of compliance with the *Home Owner Protection Act*.

9. APPLICATIONS FOR COMPLEX BUILDINGS

- 9.1. An application for a *building* permit with respect to a *Complex Building* shall:
- (a) be signed by the *Owner*, or a signing officer if the *Owner* is a corporation, and the *coordinating registered professional*;
 - (b) be accompanied by the *Owner's* acknowledgement of responsibility and undertakings made in the form prescribed by the *District*, signed by the *Owner*, or a signing officer if the *Owner* is a corporation;
 - (c) include a copy of a title search made within 3 days of the date of the application, and all covenants, easements, rights of way or other registered charges;
 - (d) include a site plan drawn at a scale acceptable to the *Building Official*, or when required by the *Building Official* a site plan at a scale of 1:100 prepared by a British Columbia Land Surveyor showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed *buildings* or *Structures* on the parcel, including the seismic region of proposed *buildings* or *Structures* and whether *heavy* or *light construction* is involved;
 - (v) setbacks to the natural boundaries of all oceans, inlets, lakes, wetlands, swamps, ponds or watercourses;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *Structure* where the *District's* land use regulations establish siting requirements related to minimum floor elevation;
 - (vii) the location, dimension, gradient and type of parking and driveway access, and the number of parking spaces; and
 - (viii) a defined animal proof enclosure, attached garage, or accessory *building* for the purpose of storage for garbage or garbage receptacles or both;
 - (e) include floor plans showing:

- (i) the dimensions and uses of all areas;
 - (ii) the dimensions and height of crawl and roof spaces;
 - (iii) the location, size and swing of doors;
 - (iv) the location, size and opening of windows;
 - (v) floor, wall and ceiling finishes;
 - (vi) plumbing fixtures;
 - (vii) structural elements;
 - (viii) stair dimensions; and
 - (ix) dimensioned *braced wall bands*, including the centerline, and dimensioned *braced wall panels*;
- (f) include a cross section through the *building* or *Structure* illustrating foundations, drainage, ceiling heights, construction systems, *braced wall bands* including their alignment with *braced wall bands* on storeys below and above, *braced* and non-braced *wall panels* including type, fastener size and spacing, and anchorage size and spacing, and sheathing fastener size;
 - (g) include elevations of all sides of the *building* or *Structure* showing finish details, roof slopes, windows, doors, and finished grade;
 - (h) include 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*;
 - (i) include, when the application is in respect of a new *building* other than a temporary or accessory *building*, the water metering system for the new *building* with a design acceptable to the *District*;
 - (j) include copies of approvals required under any enactment relating to health or safety including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (k) include a letter of assurance in the form of Schedule A referred to in Division C, Part 2, Section 2.2 of the *Building Code*, signed by the *Owner*, or a signing officer if the *Owner* is a corporation, and the *coordinating registered professional*;
 - (l) include letters of assurance in the form of Schedule B referred to in Division C,

Part 2, Section 2.2 of the *Building Code*, each signed by such *registered professionals* as the *Building Code* requires to prepare the design for and conduct *field reviews* of the construction of the *building* or *Structure*;

- (m) include two copies of specifications and two sets of drawings at a suitable scale of the design prepared by each *registered professional* that contain the information set out in Subsections 9.1(e) to (i);
 - (n) state the value and intended use or uses of each *building* or *Structure* in a manner consistent with the *District's* zoning bylaw.
- 9.2. Notwithstanding Section 9.1, the *Building Official* may waive the requirements for a site plan in Subsection 9.1(d) in whole or in part, where the permit is sought for the repair or alteration of an existing *building* or *Structure*.
- 9.3. In addition to the requirements of Section 9.1, the following may be required by a *Building Official* to be submitted with a *building* permit application for the construction of a *Complex Building* where the complexity of the proposed *building* or *Structure* or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the *District's* subdivision servicing bylaw;
 - (b) a section through the site showing grades, *buildings*, *Structures*, parking areas and driveways;
 - (c) any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *Structure*.

10. APPLICATIONS FOR STANDARD BUILDINGS

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

- (a) be signed by the *Owner*, or a signing officer if the *Owner* is a corporation;
- (b) be accompanied by the *Owner's* acknowledgement of responsibility and undertakings made in the form prescribed by the *District*, signed by the *Owner*, or a signing officer if the *Owner* is a corporation;
- (c) include a copy of a title search made within 3 days of the date of the application, and all covenants, easements, rights of way or other registered charges;
- (d) include, unless waived at the discretion of the *Building Inspector*, a site plan

drawn at a scale acceptable to the *Building Official*, or when required by the *Building Official* a site plan at a scale of 1:100 prepared by a British Columbia Land Surveyor showing:

- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed *buildings* or *Structures* on the parcel, including the seismic region of the proposed *buildings* or *Structures* and whether *heavy* or *light construction* is involved;
 - (v) setbacks to the natural boundaries of all oceans, inlets, lakes, wetlands, swamps, ponds or watercourses;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *Structure* where the *District's* land use regulations establish siting requirements related to minimum floor elevation;
 - (vii) the location, dimension and gradient of parking and driveway access; and
 - (viii) a defined enclosed area, attached garage or ancillary *building* for the purpose of storage for garbage or garbage receptacles or both.
- (e) include floor plans showing:
- (i) the dimensions and uses of all areas;
 - (ii) the dimensions and height of crawl and roof spaces;
 - (iii) the location, size and swing of doors;
 - (iv) the location, size and opening of windows;
 - (v) floor, wall and ceiling finishes;
 - (vi) plumbing fixtures;
 - (vii) structural elements;

- (viii) stair dimensions; and
- (ix) dimensioned *braced wall bands*, including the centerline, and dimensioned *braced wall panels*;
- (f) include a cross section through the *building* or *Structure* illustrating foundations, drainage, ceiling heights, construction systems, *braced wall bands* including their alignment with *braced wall bands* on storeys below and above, *braced* and non-braced *wall panels* including type, fastener size and spacing, and anchorage size and spacing, and sheathing fastener size;
- (g) include elevations of all sides of the *building* or *Structure* showing finish details, roof slopes, windows, doors, and finished grade;
- (h) include 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*;
- (i) include, when the application is in respect of a new *building* other than a temporary or accessory *building*, the water metering system for the new *building* with a design acceptable to the *District*;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approvals;
- (k) unless otherwise instructed by the *Building Official*, include a foundation design prepared by a *registered professional* in accordance with the *Building Code*, Division B, Section 4.2, accompanied by letters of assurance in the form of the Schedule B referred to in the *Building Code*, Division C, Part 2, Section 2.2 signed by the *registered professional*, unless:
 - (i) a *Building Official* receives a qualified professional's report and issues the *building* permit pursuant to Section 56 of the *Community Charter*; or
 - (ii) documentation, prepared and sealed by a *registered professional*, is provided certifying that the foundation design substantially complies with the *Building Code*, Division B, Part 9, Subsection 9.4.4 and the foundation *excavation* substantially complies with the *Building Code*, Division B, Part 9, Section 9.12;
- (l) include two copies of specifications and two sets of drawings at a suitable scale of the design including the information set out in Subsections 10.1(e) to (i) of this bylaw;

- (m) state the value and intended use or uses of each *building* or *Structure* in a manner consistent with the *District's* zoning bylaw;
- 10.2. Notwithstanding Section 10.1, the *Building Official* may waive the requirements for a site plan in Subsection 10.1(d), in whole or in part, where the permit sought is for the repair or alteration of an existing *building* or *Structure* or for an accessory *building* or *Structure*.
- 10.3. In addition to the requirements of Section 10.1, where the project involves:
 - (a) two or more *buildings*, which in the aggregate total more than 1,000 square meters; or
 - (b) two or more *buildings* that will contain four or more dwelling units; or
 - (c) where the complexity of the proposed *building* or *Structure* or siting circumstances warrant,

then the *Building Official* may also require the following to be submitted with the *building* permit for a *Standard Building*:

- (i) 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 *District's* subdivision servicing bylaw;
- (ii) a section through the site showing grades, *buildings*, *Structures*, parking areas and driveways;
- (iii) a roof plan and roof height calculations;
- (iv) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (v) letters of assurance in the form of Schedule B referred to in the *Building Code*, Division C, Part 2, Section 2.2, signed by the *registered professionals*;
- (vi) any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *Structure*.

11. PROFESSIONAL PLAN OR CERTIFICATION

- 11.1. The letters of assurance in the form of Schedule B referred to in the *Building Code*, Division C, Part 2, Section 2.2 and provided pursuant to Sections 9.1, 9.3, 10.1, 10.3,

17.1, or 17.2 of this bylaw are relied upon by the *District* 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 and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*.

- 11.2. A *building* permit issued for the construction of a *Complex Building*, or for a *Standard Building* for which a *Building Official* requires professional design pursuant to Section 10.3 and letters of assurance pursuant to Subsection 10.3(h), shall be in the form prescribed by the *District*.
- 11.3. A *building* permit issued pursuant to Section 11.2 shall include a notice to the *Owner* that the *building* permit is issued in reliance upon the certification of the *registered professional* 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 and other purposes for which local governments may regulate in relation to *buildings* and *Structures*.
- 11.4. When a *building* permit is issued pursuant to Section 11.2 the permit fee shall be reduced by 5% (five percent) of the fees payable pursuant to Schedule "A" up to a maximum reduction of \$500.00 (five hundred dollars).

12. FEES AND CHARGES

- 12.1. In addition to applicable fees and charges required under other bylaws, a permit fee, prescribed and calculated in accordance with Schedule "A", shall be paid in full prior to the issuance of any permit under this bylaw.
- 12.2. Notwithstanding any other provision in this bylaw, when an application is cancelled or rejected the plans and related documents submitted with the application may be destroyed.
- 12.3. The *Owner* may obtain a refund of the permit fees prescribed in Schedule "A" when a permit fee is surrendered and cancelled before any construction begins, less a twenty five percent (25%) administrative fee.
- 12.4. Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge prescribed in Schedule "A" shall be paid prior to an additional inspection being performed.
- 12.5. For a required permit inspection requested to be done after the hours during which the offices of the *District* are normally open, an inspection charge shall be payable as prescribed in Schedule "A".

13. BUILDING PERMITS

- 13.1. A *Building Official* shall issue a permit for which an application is made when:
- (a) a completed application, including all required supporting documentation, is submitted;
 - (b) all applicable fees are paid in accordance with this bylaw;
 - (c) all charges are paid and all requirements met under other enactments or bylaws;
 - (d) no enactment, covenant, agreement, or regulation favouring or enacted by the *District* authorizes the permit to be withheld or prevents it from being issued;
 - (e) the proposed work set out in the application appears to substantially conform to the *Building Code*, this bylaw and all other applicable bylaws and enactments respecting safety, and other purposes for which local government may regulate in relation to *buildings* and other *Structures*; and
 - (f) the proposed work set out in the application does not contravene a charge registered against the property for which the application is made.
- 13.2. Every permit is issued upon the condition that the permit shall expire and the rights of the *Owner* under the permit shall terminate if:
- (a) the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit;
 - (b) work is discontinued for a period of six (6) consecutive months; or
 - (c) the work authorized by the permit is not substantially completed within eighteen (18) months of the permit issue date.
- 13.3. A *Building Official* may extend the period of time set out under Subsections 13.2(a), 13.2(b) or 13.2(c) where construction is not commenced or is discontinued or is not completed due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the *Owner's* control.
- 13.4. 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:
- (a) sufficient information has been provided to the *District* to demonstrate to the *Building Official* that the portion authorized to be constructed appears to

substantially comply with this and other applicable bylaws; and

- (b) the permit fee applicable to that portion of the *building* or *Structure* has been paid.
- 13.5. Notwithstanding the issuance of a permit under Section 13.4, the requirements of this bylaw apply to the remainder of the *building* or *Structure* as if a permit for a portion of the *building* or *Structure* had not been issued.
- 13.6. A *Building Official* may issue an *excavation* permit in the form provided by the *District* prior to the issuance of a *building* permit.
- 13.7. When a site has been excavated under an *excavation* permit issued pursuant to Section 13.6 and a *building* permit is not subsequently issued or a subsisting *building* permit has expired in accordance with the requirements of Section 13.2, but without the construction of the *building* or *Structure* for which the *building* permit was issued having commenced, the *Owner* shall fill in the *excavation* to restore the original gradients of the site within sixty (60) days of being served notice by the *District* to do so.

14. TEMPORARY SHELTER DURING CONSTRUCTION

- 14.1. A *Building Official* may endorse a *building* permit authorizing the use of a recreational vehicle, trailer or camper as a temporary shelter on a parcel of land on which a principal *building* is being constructed for a single family dwelling unit or duplex dwelling.
- 14.2. A temporary shelter authorized under Section 14.1, is subject to the following conditions:
 - (a) use of a Section 14.1 temporary shelter shall not exceed the lesser of:
 - (i) one (1) year from the date of issuance of the *building* permit; or
 - (ii) fifteen (15) days following issuance of an *occupancy* permit for the dwelling unit,

and authorization to use the temporary shelter shall expire accordingly and shall not be extended or renewed unless the extension or renewal is granted in accordance with Section 13.3;

- (b) the *Owner* of the parcel of land shall deposit with the *District* a letter of credit, cash or certified cheque in the amount of two thousand five hundred dollars (\$2500) as security for the removal of the temporary shelter; and
- (c) the *Owner* shall actively proceed with the construction of the principal *building*

for which the permit is issued.

- 14.3. If authorization to use a temporary shelter expires and the temporary shelter continues to be used for a residential purpose, the *District* may cause the temporary shelter to be removed at the expense of the *Owner* and may deduct the cost of removal from the security deposit provided by the *Owner* plus the sum of five hundred dollars (\$500) for the *District's* costs.
- 14.4. Subject to Section 14.3, the *District* must return the security deposit to the *Owner* upon cessation of use of the temporary shelter, and the *Owner* shall not recommence or permit another person to commence use of the temporary shelter, unless otherwise authorized under this bylaw.

15. DEMOLITION PERMITS

- 15.1. Every demolition permit is issued upon the condition that the permit shall expire and the rights of the *Owner* under the permit shall terminate if demolition has not taken place within six (6) months from the date of issuance of the permit.
- 15.2. All materials existing on the site as a result of the demolition must be removed from the site within thirty (30) days following the demolition.

16. DISCLAIMER OF WARRANTY OR REPRESENTATION

- 16.1. Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made or monitoring activities undertaken by a *Building Official*, shall constitute a representation or warranty that the *Building Code* or this bylaw have been complied with or the *building* or *Structure* meets any standard of materials or workmanship.
- 16.2. No person shall rely on the issuance of a permit under this bylaw, the review or acceptance of the design, drawings, plans or specifications nor any inspection made or monitoring activities undertaken by a *Building Official* as establishing compliance with the *Building Code* or this bylaw or any standard of construction, materials or workmanship.

17. PROFESSIONAL DESIGN AND FIELD REVIEW

- 17.1. In addition to the other requirements of this bylaw, when a *Building Official* considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a *registered professional* to provide design and plan certification and *field review* supported by letters of assurance in the form of the Schedules B and C-B referred to in the *Building Code*, Division C, Part 2, Schedule 2.2 at the expense of the *Owner*.
- 17.2. Prior to the issuance of an *occupancy* permit for a *Complex Building*, or *Standard*

Building in circumstances where letters of assurance have been required in accordance with sections 9.1, 9.3, 10.1, 10.3 or 17.1 of this bylaw, the *Owner* shall provide the *District* with letters of assurance in the form of the Schedules C-A or C-B, referred to in the *Building Code*, Division C, Part 2, Section 2.2, as appropriate.

- 17.3. When a *registered professional* provides letters of assurance under this bylaw, he or she shall also provide the *Building Official* with proof of professional liability insurance in a form and amount satisfactory to the *Building Official*.

18. ADDITIONAL RESPONSIBILITIES OF THE OWNER

- 18.1. Every *Owner* shall ensure that all construction complies, and is performed in strict compliance, with the *Building Code*, this bylaw and other applicable enactments respecting safety, and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*.

- 18.2. Every *Owner* to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit and may be required to provide to the *District* the damage deposit prescribed in Schedule "A" prior to the issuance of the permit if the nature of the construction poses a risk to the integrity of municipal works in the vicinity of the construction under the permit.

- 18.3. Every *Owner* to whom a permit is issued shall, during construction:

- (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
- (b) keep a copy of the accepted designs, plans and specifications on the property;
- (c) post the civic address on the property in a location visible from any adjoining streets;
- (d) ensure appropriate site safety measures are taken to protect the public.

19. INSPECTIONS AND MONITORING

- 19.1. When a *registered professional* provides letters of assurance in accordance with this bylaw, the *District* relies on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted as certification that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*.

- 19.2. 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*.

- 19.3. The *Owner*, or the *Owner's* representative, shall give at least twenty four (24) hours' notice to the *District* 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 them:
- (a) verification of the location of foundation and footing forms outside setback areas, prior to the placing of concrete;
 - (b) installation of perimeter drain tiles and damp-proofing, prior to backfilling;
 - (c) insulation and vapour barrier including under slab insulation prior to placing concrete slab;
 - (d) the rough in of under slab drain, waste, vent and water supply plumbing, after the required tests have been applied and prior to the placement of concrete;
 - (e) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - (f) the framing and sheathing;
 - (g) the service plumbing from the *building* to the property line, or to any on-site water supply or sewage disposal system, after the required tests to sewage and water supply lines have been applied;
 - (h) the rough in of the drain, waste, vent and water supply lines after the required tests have been applied;
 - (i) when the *building* or *Structure* is substantially complete and ready for *occupancy*, but before *occupancy* takes place, the whole or part of the *building* or *Structure* to be occupied.
- 19.4. In addition to the inspections required under Section 19.3, a *Building Official* may attend at the site of the construction of *Standard Buildings* or *Structures* to ascertain whether the *Health and safety aspects of the work* are carried out in substantial conformance with those portions of the *Building Code*, this bylaw and any other applicable enactments concerning safety and other purposes for which local governments may regulate in relation to *buildings* and other *Structures*.
- 19.5. No aspect of the work referred to in Section 19.3 of this bylaw shall be concealed until a *Building Inspector* has accepted it in writing.

- 19.6. The requirements of Section 19.3 of this bylaw do not apply to any aspect of the work that is the subject of a *registered professional*'s letter of assurance provided in accordance with Sections 9.1, 9.3, 10.1, 10.3 or 17.1 of this bylaw.

20. OCCUPANCY PERMITS

- 20.1. No person shall occupy a *building* or *Structure* or part of a *building* or *Structure* or change the class of *occupancy* of a *building* or *Structure* until an *occupancy* permit has been applied for and issued in the form prescribed by the *District*.
- 20.2. An *occupancy* permit shall not be issued unless:
- (a) all letters of assurance are submitted as required by Sections 9.1, 9.3, 10.1, 10.3, 17.1, and 17.2 of this bylaw; and
 - (b) all aspects of the work requiring inspection and acceptance pursuant to Section 19.3 of this bylaw are inspected and accepted.
- 20.3. A *Building Official* may issue an *occupancy* permit for part of a *building* or *Structure* when that part of the *building* or *Structure* is self-contained, provided with essential services and meets requirements set out in Section 20.2.

21. RETAINING STRUCTURES

- 21.1. A *registered professional* shall supervise the design and construction of a retaining *Structure*.
- 21.2. Sealed copies of the design plan and *field review* reports prepared by a *registered professional* for all retaining *Structures* shall be submitted to a *Building Official* prior to acceptance of the works by the *Building Official*.

22. PENALTIES AND ENFORCEMENT

- 22.1. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 22.2. Every person who violates any of the provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, is liable on summary conviction to a fine of not more than ten thousand dollars (\$10,000.00) and costs, including the costs of the committal and conveyances to the place of imprisonment, for each offence, and in default of payment therefore, to imprisonment of a term not exceeding six (6) months in jail, and each day that such violation is permitted to continue shall be a separate offence.
- 22.3. The *Bylaw Enforcement Officer* is authorized to inspect all work regulated under this bylaw, and compel and require compliance with the provisions of this bylaw.

- 22.4. No person shall prevent or obstruct, or attempt to prevent or obstruct, the *Bylaw Enforcement Officer*, or any other employee of the *District* authorized to enforce the provisions of this bylaw.
- 22.5. A person who fails to comply with an order or notice issued by a *Bylaw Enforcement Officer* who allows a violation of this bylaw to continue, despite that order or notice, commits an offence.
- 22.6. A *Bylaw Enforcement Officer* may order the cessation of work that is proceeding in contravention of the *Building Code* or this bylaw by posting a Stop Work notice on the site of the work.
- 22.7. 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 on the property, except for such work as is necessary to remedy the reasons for the Stop Work notice with the agreement of the *Bylaw Enforcement Officer*, until all applicable provisions of the *Building Code* and this bylaw are substantially complied with and the Stop Work notice is rescinded in writing by a *Bylaw Enforcement Officer*.
- 22.8. Where a person occupies a *building* or *Structure* or part of a *building* or *Structure* in contravention of Section 6.2 of this bylaw, a *Bylaw Enforcement Officer* may post a Do Not Occupy notice on the affected part of the *building* or *Structure*.
- 22.9. 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 is substantially complied with and the Do Not Occupy notice is rescinded in writing by a *Bylaw Enforcement Officer*.
- 22.10. Every person who commences work requiring a *building* permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 (thirty) days, pay an additional charge equal to twenty five percent (25%) of the applicable *building* permit fee prior to obtaining the required *building* permit.

23. TICKETING

- 23.1. Tickets for offences against this bylaw shall be issued in accordance with Schedule "C".

24. SEVERABILITY

- 24.1. If any provision of this bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this bylaw and

shall not affect the validity of remaining provisions of this bylaw.

25. SCHEDULES

25.1. Schedules "A", "B", and "C" attached to this bylaw form part of and are enforceable in the same manner as this bylaw.

26. REPEAL BYLAWS

26.1. District of Ucluelet Building Bylaw No. 882, 2002 and any amendments thereto are hereby repealed in their entirety.

READ A FIRST TIME this ____ day of _____, **2014.**

READ A SECOND TIME this ____ day of _____, **2014.**

READ A THIRD TIME this ____ day of _____, **2014.**

ADOPTED this ____ day of _____, **2014.**

A TRUE AND CORRECT COPY of "District of Ucluelet Building Bylaw No. 1165, 2014".

Bill Irving
Mayor

Andrew Yeates
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
in the presence of:

Andrew Yeates
Corporate Officer

BYLAW 1165, 2014

SCHEDULE "A" - FEES

1. BUILDING PERMIT DAMAGE DEPOSIT \$1000.00

A damage deposit fee of \$1000.00 is required in accordance with Section 18.2 at the discretion of the *Building Official* (Public Works Superintendent) and if payable must be in the form of an undated cheque provided at the time the Building Permit fee is paid.

2. BUILDING PERMIT FEES

- (a) The fees payable for a permit for construction, addition, extension, alteration and repair of any *building* or any other work requiring a permit and not specifically listed here shall be as follows:

Proposed Value of Work:

- | | |
|--|----------|
| (i) Up to \$1000.00 | \$100.00 |
| (ii) For each additional \$1000.00 or fraction thereof | \$7.00 |

- (b) When a permit is issued pursuant to this bylaw, but construction has not commenced, 75% of the permit fee may be refunded to the applicant upon application for the cancellation of the permit, provided no refund in the amount of less than \$25.00 shall be made.

Where the *District* relies under Section 11 of this bylaw on Professional Plan Certification in issuing a Building Permit, the fees payable for a Building Permit shall be reduced in accordance with Section 11.4.

The Building Permit Fees prescribed in item 2 of this Schedule are based on the value of the construction authorized by the permit. These values are to be determined according to the Valuation Schedule prescribed by Schedule "B" of this bylaw.

3. DEMOLITION PERMIT FEES

- (a) To demolish an existing building or structure \$35.00

4. BUILDING MOVING PERMIT FEE

- (a) To move a building to a new location \$50.00

plus fee for total value of works to rehabilitate the structure in accordance with Section 2 of this Schedule.

5. SOLID FUEL BURNING APPLIANCE FEE

- | | | |
|----|---|--|
| 6. | Includes one call back or re-inspection if necessary
RE-INSPECTION FEE | \$50.00
\$35.00 |
| 7. | AFTER HOURS INSPECTION FEE

charge | \$50.00/hour

2 (two) hour minimum |
| 8. | EXCAVATION PERMIT

Excavation permit issued prior to the issuance of a building permit | \$50.00 |
| 9. | EXTENSION OF A BUILDING PERMIT

On written application for a 1 (one) time, 12 (twelve) month extension of a building permit prior to the permit expiring: | |
| | (a) \$50.00 for the extension of permits with a construction value of \$50,000.00 or less; and | |
| | (b) \$100.00 for the extension of building permits with a construction value greater than \$50,000.00. | |

BYLAW 1165, 2014

SCHEDULE "B"

VALUATION

i. SINGLE FAMILY DWELLING

The estimated value of the proposed work is the estimated value of construction as determined in accordance with the Marshall & Swift, "Marshall & Swift Valuation Service" or "Residential Cost Handbook", as applicable and as amended from time to time, using "average" quality of construction.

ii. OTHER CONSTRUCTION

(a) Commercial Buildings (owner built) – the estimated value of the proposed work is the estimated value of construction as determined in accordance with the Marshall & Swift, "Marshall & Swift Valuation Service" or "Residential Cost Handbook", as applicable and as amended from time to time, using "average" quality of construction.

(b) Commercial Buildings (other than owner built) Contract Value

(c) Pools Contract Value
(including required fencing)

BYLAW 1165, 2014

SCHEDULE "C"

FINES AND PENALTIES

OFFENCE	SECTION	FINE 1 ST OFFENCE	FINE 2 ND OFFENCE
No Building Permit	6.1, 8.1(a)	\$200.00	\$400.00
No Moving Permit	6.1, 8.1(b)	\$150.00	\$300.00
No Demolition Permit	6.1, 8.1(c)	\$150.00	\$300.00
Tamper with Notice/Certificate	6.4	\$250.00	\$500.00
Submit permit application with fraudulent information	6.3	\$250.00	\$500.00
Work Contrary to Plans		6.5	\$100.00 \$200.00
Failure to Obtain authorization for temporary shelter	14.1	\$100.00	\$200.00
Failure to Obtain Inspections/ Approvals	19	\$100.00	\$200.00
Failure to Obtain Occupancy Permit	6.2, 20	\$100.00	\$200.00
Failure to Remove materials from demolition site within 30 days	15.2,	\$250.00	\$500.00
Failure to Comply with an order or notice issued		22.5	\$250.00 \$500.00
Failure to Comply with Stop Work Order		22.7	\$250.00 \$500.00
Failure to Comply with Do Not Occupy Notice		22.9	\$250.00 \$500.00

Obstruction of Building
Official or Bylaw
Enforcement Officer

6.6, 22.4

\$500.00

\$1000.00