

**CITY OF CASTLEGAR
BYLAW 950**

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

WHEREAS section 694 (1) of the *Local Government Act* authorizes the City of Castlegar, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair 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 CITY OF CASTLEGAR, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the “City of Castlegar Building Bylaw No. 950”.

2. Definitions

In this bylaw:

The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998: *assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, plumbing system, registered professional, and residential occupancy.*

Building Code means the *British Columbia Building Code 1998* as adopted by the Minister pursuant to section 692 (1) of the *Local Government Act*, as amended or re-enacted from time to time.

Building Official includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the City of Castlegar.

Complex Building means:

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

“Council” means the Council of the Municipality.

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, Part 7 and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25.2, 9.25.4, 9.26, 9.27, 9.31, 9.32, 9.33.5.3, 9.34, 9.35, and 9.36 of Part 9 of the **Building Code**.

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

- (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 The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This bylaw has been enacted for the purpose of regulating construction within the City of Castlegar in the general public interest. The activities undertaken by or on behalf of the City of Castlegar 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:
- 3.2.1 to the protection of *owners*, owner/builders or *constructors* from economic loss;
 - 3.2.2 to the assumption by the City of Castlegar or any *building official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees, *constructors* or *designers* retained by him or her, with the *Building Code*, the requirements of this bylaw or other applicable enactments respecting safety;
 - 3.2.3 to providing any person a warranty of design or workmanship with respect to any *building* or *structure* or *plumbing system* 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 City of Castlegar is free from latent, or any defects.

4. Permit Conditions

- 4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the City of Castlegar shall in any way relieve the *owner* or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and or other applicable enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the *owner* (and where the *owner* is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the

Building Code and this bylaw or other applicable enactments respecting safety.

- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the City of Castlegar constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

5. Scope and Exemptions

- 5.1 This bylaw applies to the design, construction and **occupancy** of new **buildings, structures and plumbing systems** and the alteration, reconstruction, demolition, removal, relocation and **occupancy** of existing **buildings, structures and plumbing systems**.
- 5.2 This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, nor to retaining **structures** less than 1.5 meters in height or the repair or replacement of a valve, faucet, fixture or sprinkler head, or stoppage cleared or a leak repaired in a plumbing system, if no change in piping is required.

6. 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 systems**, including excavation or other work related to construction unless a **building official** has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any **building** or **structure** unless a valid and subsisting occupancy permit has been issued by a **building official** for the **building, or structure**, or contrary to the terms of any permit issued or any notice given by a **building official**.
- 6.3 No person shall knowingly submit false or misleading information to a **building official** in relation to any permit application or construction undertaken pursuant to this bylaw.

- 6.4 No person shall, unless authorized in writing by a **building official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a **building** or **structure** or **plumbing system** 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, plumbing system** 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 City of Castlegar on property in the administration of this bylaw.

7. Building Officials

- 7.1 Each **building official** may:
- 7.1.1 administer this bylaw and prescribe the form of permits, permit applications, notices and orders except to the extent that their form is prescribed by 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 or digital 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** or **plumbing system** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.
- 7.2 A **building official**:
- 7.2.1 may enter any land, **building, structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - 7.2.3 shall carry proper credentials confirming his or her status as a **building official**.

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

8. Applications

- 8.1 Every person shall apply for and obtain:
- 8.1.1 a building permit before constructing, repairing, installing or altering a **building, structure, sign, plumbing system, swimming pool, fencing, underground sprinkler system, driveway, fireplace, chimney or solid fuel burning appliance**;
 - 8.1.2 a moving permit before moving a **building or structure**;
 - 8.1.3 a demolition permit before demolishing a **building or structure**;
- 8.2 All plans submitted with permit applications shall bear the name and address of the **designer** of the **building or structure**.
- 8.3 Each **building or structure** to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that **building or structure**.

9. Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a **complex building** shall:
- 9.1.1 be signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
 - 9.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form A to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - 9.1.3 include a copy of a title search made within 30 days of the date of the application;
 - 9.1.4 include, except where the permit is sought for the repair or alteration of an existing building or structure and the building official waives this requirement, a site plan prepared by a British Columbia Land Surveyor showing:
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

- 9.1.4.2 the legal description and civic address of the parcel;
- 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
- 9.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
- 9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the City of Castlegar's land use regulations establish siting requirements related to flooding;
- 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the City of Castlegar's land use regulations establish siting requirements related to minimum floor elevation; and
- 9.1.4.7 the location, dimension and gradient of parking and driveway access;
- 9.1.5 include 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 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.7 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 9.1.8 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building, structure, or plumbing system**, substantially conforms to the Building Code;
- 9.1.9 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;

- 9.1.10 include 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**;
- 9.1.11 include 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 **building official** or **Building Code** may require to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**; and
- 9.1.12 include two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.5 –9.1.8 of this bylaw.
- 9.2 In addition to the requirements of section 9.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 9.2.1 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 City of Castlegar’s subdivision servicing bylaw;
- 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. Applications for **standard buildings**

- 10.1 An application for a building permit with respect to a **standard building** shall:
- 10.1.1 be signed by the **owner**, or a signing officer if the **owner** is a corporation;
- 10.1.2 be accompanied by the **owner’s** acknowledgment of responsibility and undertakings made in the form attached as Form “A” to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;

- 10.1.3 include a copy of a title search made within 30 days of the date of the application;
- 10.1.4 if available survey information is not adequate to permit the **building official** to determine with sufficient certainty that the location of the proposed **building** or **structure** is in accordance with this bylaw and other applicable bylaws, or there are no legal survey pins within 60 metres of the site of the proposed **building** or **structures**, include, except where the permit is sought for the repair or alteration of an existing building or structure and the building official waives this requirement, a site plan prepared by a British Columbia Land Surveyor showing:
- 10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 10.1.4.2 the legal description and civic address of the parcel;
 - 10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 10.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the City of Castlegar's land use regulations establish siting requirements related to flooding;
 - 10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the City of Castlegar's land use regulations establish siting requirements related to minimum floor elevation; and
- 10.1.5 include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.

- 10.1.6 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - 10.1.7 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
 - 10.1.8 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**;
 - 10.1.9 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; and
 - 10.1.10 include two sets of drawings at a suitable scale of the design including the information set out in sections 10.1.5 – 10.1.8 of this bylaw.
- 10.2 In addition to the requirements of section 10.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **standard building** where the project involves two or more **buildings**, which in the aggregate total more than 1000 square meters, or two or more **buildings** that will contain four or more dwelling units, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstance warrant:
- 10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the City of Castlegar’s subdivision servicing bylaw.
 - 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 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 section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**; and

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, structure or plumbing system*.

11. Professional Plan Certification

- 11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in section 2.6 of Part 2 of the *Building Code* and provided pursuant to sections 9.1.11, 10.2.5, and 15.1 of this bylaw are relied upon by the City of Castlegar and its *building official* 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.
- 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 section 10.2.4 letters of assurance pursuant to section 10.2.5 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.
- 11.3 When a building permit is issued in accordance with section 11.2 of this bylaw the permit fee shall be reduced by 5% of the fees payable pursuant to Schedule A to this bylaw, 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, calculated in accordance with Schedule A to this bylaw, shall be paid in full prior issuance of any permit under this bylaw.
- 12.2 An application made for a building permit shall be accompanied by the appropriate plan-check deposit as set out in Schedule A to this bylaw.
- 12.2.1 The plan-check deposit is refundable if the permit is issued.
- 12.2.2 An application shall be cancelled and the plan-check deposit forfeited if the building 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.
- 12.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.

- 12.3 The **owner** may obtain a refund of the permit fees set out in Schedule A to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
- 12.3.1 the refund shall not include the plan-check deposit paid pursuant to section 12.2 of this bylaw; and
- 12.3.2 no refund shall be made where construction has begun or an inspection has been made.
- 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 fee as set out in Schedule A to this bylaw shall be paid prior to additional inspections being performed.

13. Building Permits

- 13.1 When:
- 13.1.1 a completed application including all required supporting documentation has been submitted;
- 13.1.2 the proposed work set out in the application substantially conforms with the **Building Code**, and all other applicable bylaws;
- 13.1.3 the **owner** or his or her representative has paid all applicable fees set out in Schedule A of this bylaw;
- 13.1.4 the **owner** or his or her representative has paid all charges;
- 13.1.5 no enactment authorizes the permit to be withheld;
- a **building official** shall issue the permit for which the application is made.
- 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 required by any Provincial Act that:
- 13.2.1 the proposed **building** is covered by home warranty insurance, and
- 13.2.2 the **constructor** is a licensed residential builder.

- 13.3 Section 13.2 of this bylaw does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with the applicable Provincial Act.
- 13.4 Every permit is issued upon the condition that the permit shall expire and the rights of the *owner* under the permit shall terminate if:
- 13.4.1 the work authorized by the permit is not commenced within 12 months from the date of issuance of the permit; or
- 13.4.2 work is discontinued for a period of 12 months.
- 13.5 A *building official* may extend the period of time set out under sections 13.4.1 and 13.4.2 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.
- 13.6 A *building official* may issue an excavation permit prior to the issuance of a building permit.
- 13.7 A *building official* may issue a building permit for a portion of a *building, structure or plumbing system* before the design, plans and specifications for the entire *building, structure or plumbing system* have been accepted, provided sufficient information has been provided to the City of Castlegar 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, structure or plumbing system* has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the *building, structure or plumbing system* as if the permit for the portion of the *building, structure or plumbing system* had not been issued.
- 13.8 When a site has been excavated under an excavation permit issued pursuant to section 13.6 of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.4, but without the construction of the *building or structure* for which the building permit was issued having commenced, the *owner* shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the City of Castlegar to do so.

14. Disclaimer of Warranty or Representation

- 14.1 Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections

made by a *building official*, shall constitute a representation or warranty that the *Building Code* or the bylaw have been complied with or the *building, structure or plumbing system* meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code* or this bylaw or any standard of construction.

15. Professional Design and Field Review

- 15.1 When a *building official* considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a *registered professional* provide design and plan certification and *field review* by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the *Building Code*.
- 15.2 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 10.2.5 or 15.1 of this bylaw, the *owner* shall provide the City of Castlegar 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*.
- 15.3 When a *registered professional* provides letters of assurance in accordance with sections 9.1.11, 10.2.5, 15.1 or 15.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the *building official* in the form of Form “B” to this bylaw.

16. Responsibilities of the Owner

- 16.1 Every *owner* shall ensure that all construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- 16.2 Every *owner* to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 16.3 Every *owner* to whom a permit is issued shall, during construction:
 - 16.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 16.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 16.3.3 post the civic address on the property in a location visible from any adjoining streets.

- 16.4 Before a Building or Demolition Permit is issued, the owner shall deliver to the City of Castlegar the deposit described in Schedule “A” to secure payment for injury to, destruction, defacement or disturbance of City 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 City of Castlegar 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 \$2,500.00 or less, the Building Official may waive the requirements for a deposit.

17. Inspections

- 17.1 When a *registered professional* provides letters of assurance in accordance with sections 9.1.11, 10.2.5, 15.1 or 15.2 of this bylaw, the City of Castlegar will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to section 15.2 of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the *Building Code*, this bylaw and other applicable enactments respecting safety, and a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 17.2 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 the those portions of the *Building Code*, this bylaw and any other applicable enactment concerning safety.
- 17.3 The owner or his or her representative shall give at least 24 hours notice to the City of Castlegar when requesting an inspection and shall obtain an inspection and receive an *building official's* acceptance of the following aspects of the work in *standard buildings, structures* or *plumbing systems* prior to concealing them:
- 17.3.1 after the forms for footings and/or foundation walls are complete but prior to the placing of any concrete;
- 17.3.2 installation of perimeter drain tiles and dampproofing, prior to backfilling;

- 17.3.3 the preparation of ground, including ground cover, when required, and underground plumbing system prior to the placing of a concrete slab;
 - 17.3.4 the installation of the building sanitary sewer storm sewer or water service pipe is complete and the required testing is in place but prior to backfilling;
 - 17.3.5 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - 17.3.6 when the framing, sheathing, firestopping, bracing, plumbing, wiring, duct work, chimney and gas venting are complete but before any insulation or exterior finish is applied which would conceal such work;
 - 17.3.7 insulation and vapor barrier are complete but prior to the installation of any interior finish that would conceal such work;
 - 17.3.8 when the *building* or *structure* is substantially complete and ready for *occupancy*, but before *occupancy* takes place of the whole or part of the *building* or *structure*;
 - 17.3.9 when any deficiencies noted on a previous inspection are rectified but prior to such work being concealed; and
 - 17.3.10 when otherwise required by the Building Official.
- 17.4 No aspect of the work referred in section 17.3 of this bylaw shall be concealed until a *building official* has accepted it in writing.
 - 17.5 The requirements of section 17.3 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 9.1.11, 10.2.5, 15.1 or 15.2 of this bylaw.
 - 17.6 When required by the *Building Official*, in *standard buildings* or *structures* every *owner* shall uncover and replace at his or her own expense any work that has been covered prior to inspection or contrary to an order issued by the *Building Official*.
 - 17.7 A Survey Certificate prepared by a British Columbia Land Surveyor shall be submitted to the City of Castlegar after the foundation walls have been poured or after the foundations have been assembled and before pouring unless deemed unnecessary by the *Building Official*.

18. Occupancy Permits

- 18.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued.
- 18.2 An occupancy permit shall not be issued unless:
- 18.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 10.2.5, 15.1 and 15.2 of this bylaw.
- 18.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 17.3 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 17.5 of this bylaw.
- 18.3 A **building official** may issue 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 18.2 of this bylaw have been met with respect to it.
- 18.4 Prior to the issuance of a partial Occupancy Permit for other than single family dwellings, the owner shall provide the City of Castlegar a security equivalent to 100 percent (100%) of the value of the required parking lot construction and paving and undertake to complete it within six (6) months of the issuance of the occupancy permit and the owner shall give the City an irrevocable licence to go on the property and do the work, and an undertaking to pay the City for any costs in excess of the security.
- 18.5 Upon the expiration of six (6) months after the issuance of an occupancy permit, if the parking lot construction and paving has been completed, the security provided under section 18.4 shall be returned to the owner without interest, and if the parking lot construction and paving has not been completed, the City of Castlegar may apply the security towards completing the parking lot construction and paving and return the balance of the security, if any, to the owner.

19. Retaining Structures

- 19.1 A **registered professional** shall undertake the design and conduct **field reviews** of the construction of a retaining structure greater than 1.5 meters in height. Sealed copies of the design plan and **field review** reports prepared by the **registered professional** for all retaining structures greater than 1.5 meters in height shall be submitted to a **building official** prior to acceptance of the works.

20. Driveway Access

- 20.1 The owner shall construct the driveway for residential property, with a gradient of not more than 12% (twelve percent) starting level with the existing street elevation at his property line and such access location and access size must have the prior approval of the Superintendent of Public Works.

21. Plumbing Fixtures

- 21.1 All water closets (toilets) installed within the City shall be of a design that uses no more than seven (7) litres per flush, without the aid of any add-on retrofit devices.
- 21.2 All showerheads installed in any building in the City, shall be of a design that limits the flow rate to 9.5 litres per minute or less.
- 21.3 All sink faucets installed in any residential use building in the city, shall be of a design that limits the flow rate to 8.3 litres per minute or less.

22. Temporary Occupancy of Highways

- 22.1 No person shall occupy a highway or portion of it in connection with the construction or maintenance of a *building* without first obtaining a licence for that purpose from the *Building Official* in Form C.
- 22.2 Where a Permit is issued pursuant to this Section, no person shall occupy or encumber any portion of the highway beyond one-half of the width abutting the sidewalk and, in the event that no sidewalk exists, the encroachment shall not exceed three (3) metres provided, however, a wider encroachment will be permitted if a structure is built, according to plans approved by the *Building Official*, to protect any person using the highway.

23. Building Moves

- 23.1 No person shall move or cause to be moved any *building* into the City of Castlegar, or from one parcel to another in the City of Castlegar without first obtaining a Permit to carry out such move and to site the *building* on the parcel to which it is to be moved.
- 23.2 The following conditions apply to the issuance of a Building Moving Permit under this Section if the *building* to be moved is residential:
- (a) applications for *building* moves shall be brought before the *Council* for its information and shall include photographs showing all four sides of the building; and

- (b) the *building* shall either meet the requirements of the *Building Code* prior to its move or be rehabilitated to *Building Code* requirements with six (6) months from the issuance of the Permit to move.
- 23.3 The following conditions apply to all *buildings* in respect of which an application to move has been made:
- (a) the floor area of the *building* to be moved shall be equal to or greater than the minimum floor area requirements for the parcel to which it is to be moved and, when located on that parcel, the *building* shall comply with all clearances and siting requirements applicable to that parcel; and
 - (b) the application for a Permit to move shall be accompanied by detailed plans and specifications of the proposed relocation and rehabilitation of the *building* and by an irrevocable letter of credit or a certified cheque in the amount of TWO THOUSAND (\$2,000.00) DOLLARS payable to the City of Castlegar.

The letter of credit may be drawn upon by the City of Castlegar in an amount sufficient to complete the work specified in the plans submitted if the work is not completed in its entirety within twelve (12) months from the date of issuance of the Permit to move, and the deposit or the balance thereof (if any) remaining in the hands of the City of Castlegar shall be returned to the depositor after an Occupancy Permit in respect of the work has been issued. The owner shall give the City an irrevocable licence to go on the property to do the work and an undertaking to pay the City for any costs in excess of the security.

24. Penalties and Enforcement

- 24.1 Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- 24.2 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.
- 24.3 A *building official* may order the cessation of any work that is proceeding in contravention of the *Building Code* or this bylaw by posting a Stop Work notice.

- 24.4 The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.
- 24.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this bylaw a **building official** may post a Do Not Occupy notice on the affected part of the **building** or **structure**.
- 24.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- 24.7 Every person who commences work requiring a building permit without first obtaining such a permit shall pay double the value of the permit fee prior to obtaining the required permit.

25. Severability

- 25.1 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.

26. Forms and Schedules

- 26.1 Forms "A" through "C" and Schedule "A" attached to this Bylaw form a part of this bylaw.

READ A FIRST TIME this 7th day of April , 2003.

READ A SECOND TIME this 7th day of April , 2003.

READ A THIRD TIME this 7th day of April, 2033.

ADOPTED this 22nd day of April, 2003.

Mayor

Director of Corporate Services