



District of Elkford Building Bylaw

No. 748, 2013

DISTRICT OF ELKFORD

BYLAW NO. 748, 2013

A Bylaw for the administration of the Building Code.

Municipal Council of the District of Elkford hereby enacts as follows:

1. Citation

This Bylaw may be cited as the “District of Elkford Building Bylaw No. 748, 2013.”

2. Definitions

(a) In this Bylaw:

Agent	means a person, firm or corporation authorized in writing to represent an Owner for the purpose of obtaining a permit under this bylaw.
Building	means any Structure used or intended for supporting or sheltering any Occupancy.
Building Code	means the Building Code of British Columbia and any other provincial Building regulation established under the <i>Local Government Act</i> .
Building Official	means the person or persons appointed by the District of Elkford to administer the Building Code and this bylaw and includes: the Chief Administrative Officer, Director, Planning and Development Services, Building Inspectors, Bylaw Enforcement Officers, Development Technicians, Plan Checkers, Planners, Plumbing Officials, and Registered Professionals as appointed by the District of Elkford.
District	means the District of Elkford.
Height, Retaining Wall	means the vertical distance, measured at the lowest point along the length of the wall, between the finished ground level adjacent to the base of the wall and the top of the wall, excluding any fence constructed on the wall.
Land	includes the surface of water but does not include improvements, mines or minerals belonging to the Crown, or mines or minerals for which title in fee simple has been registered in the Land Title Office.
Occupancy	means the use or intended use of a Building or part thereof for shelter or support of persons, animals or property.

Owner	means any person, firm or corporation registered by the British Columbia Land Title and Survey Authority as Owner of Land or of a charge on Land, whether entitled to it in the person's own right or in a representative capacity or otherwise, and includes a registered Owner.
Plumbing System	means a drainage system, a venting system and water system and parts thereof.
Registered Professional	a person who is registered or licensed to practice as; <ul style="list-style-type: none"> (i) an architect under the Architect Act, (ii) an Engineer or Geoscientist under the Engineers and Geoscientists Act (iii) a surveyor under the BC Land Surveyors Act.
Siting	means the place where a Building or Structure is to be located.
Structure	means a construction of any kind, whether fixed to, supported by, or sunk into Land or water.
Wood Burning Appliance	means wood stoves, pellet stoves, fireplaces, conventional fireplaces, advanced technology fireplaces, fireplace inserts, wood cook stoves, masonry heaters, central heating furnaces and boilers, outdoor boilers and hydronic heaters.
Zoning Bylaw	means any bylaw of the District of Elkford enacted under s. 903 of the <i>Local Government Act</i> .

3. Application

- (a) The requirements of this bylaw in relation to Siting permits apply to all Buildings and Structures whose Siting is regulated by the Zoning Bylaw, and that do not require a Building permit under this bylaw.
- (b) The requirements of this bylaw applies to the design, construction and Occupancy of new Buildings, Structures, Plumbing Systems, Wood Burning Appliances, and the alteration, reconstruction, demolition, removal, relocation and Occupancy of existing Buildings, Structures, Plumbing Systems, and Wood Burning Appliances.
- (c) The requirements of this bylaw in relation to Building, Siting, Temporary and Occupancy permits apply to all Buildings and Structures other than those listed in Article 1.1.1.1(2)(a) to (h) of the Building Code, and to site preparations, interconnection of modules, and connection to services for factory built housing.

- (d) The Chief Official of Mines has the sole responsibility for administration and enforcement of the Building Code in respect of all Buildings and Structures used at a mine, as defined in the Mines Act of the Province of British Columbia.

4. Conflict

- (a) In the case of any conflict between the provisions of this Bylaw and those of any referenced document other than the Building Code, the provisions of this Bylaw shall take precedence.
- (b) In the case of any conflict between the provisions of this Bylaw and of any other District of Elkford Bylaw or Provincial regulations, the provisions of the more restrictive Bylaw or regulation shall take precedence.

5. Prohibitions

- (a) No person shall commence or continue any work related to a Building, including the construction of a retaining wall greater than 1.2 m in Height, unless the Building Official has issued a Building permit authorizing the work.
- (b) No person shall occupy or use any Building or part thereof until the Building complies with the Building Code and the health and safety requirements of the Bylaws of the District of Elkford, and to the terms of any permit, notice or certificate issued by the Building Official.
- (c) No person shall place or erect any Building or Structure whose Siting is regulated by the Zoning Bylaw, unless the Building Official has issued a Siting permit for the Building or Structure.
- (d) No person shall, unless authorized by the Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice or certificate posted upon or affixed to any Building pursuant to any provision of this bylaw.
- (e) No person shall interfere with or obstruct the entry of the Building Official acting in the conduct of administration and enforcement of this bylaw.
- (f) No person shall fail to comply with any order or notices issued by the Building Official.
- (g) No person shall excavate or fill any Building site in the absence of a valid permit.

6. Construction According to Approved Plans Only

No person shall do any work that is at variance with the description, plans and specifications for the Building, Structure, work or thing for which a permit has been issued, unless such change has been approved by the Building Official prior.

7. Occupancy Permit

The Building Official may issue an Occupancy permit where:

- (a) a proposed use of a Building or Structure complies with the health and safety requirements of this bylaw and the Building Code, and

- (b) all inspections required by this bylaw in relation to construction pursuant to a Building permit issued by the Building Official have been satisfactorily completed.

8. Siting Permit

The Building Official may issue a Siting permit where the Siting of a proposed Building or Structure that does not require a Building permit under this bylaw, including any temporary Building, Structure or shelter, and complies with the Zoning Bylaw.

9. Demolition/Relocation Permit

- (a) The demolition or relocation of any Building or Structure requires a permit prior to commencement of work.
- (b) Every person making application for a permit to demolish a Building or Structure shall, as part of his application, provide the Building Official with satisfactory evidence that:
 - (i) no unsafe condition will be created or permitted; and
 - (ii) all utility services to the Building or Structure have been disconnected and all such disconnections have been approved by the appropriate authority.

10. Temporary Building Permit

The Building Official may issue a temporary permit for the construction of temporary Buildings or Structures such as construction site offices, seasonal storage facilities, special events facilities, emergency facilities and such similar Building and Structures as authorized by the Building Official for a maximum validity of 6 months at which time the Buildings or Structures must be removed.

11. Duties of the Building Official

The Building Official is authorized to:

- (a) administer this bylaw, including prescribing forms to be used for Building permit applications, Siting permit applications, Building permits, Siting permits, wood burning and Occupancy permits;
- (b) keep records of any 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;
- (c) establish, if requested to do so, whether the methods of types of construction and types of materials used in the construction of a Building, Structure, Plumbing System, or Wood Burning Appliance for which a permit is sought under this bylaw substantially conform to the requirements of the Building Code;
- (d) determine that site conditions do not permit effective use of solar hot water heating, for the purpose of s 3(2) of the Solar Hot Water Ready Regulation.

12. Powers

A Building Official:

- (a) may enter any Land, Building, Structure, premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
- (b) shall ensure that employees or persons charged with administration and enforcement of this bylaw carry proper credentials;
- (c) may refuse to issue a Building permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory or not in compliance with this bylaw, in his opinion;
- (d) may order the correction of any work which is being or has been improperly done under a Building permit, the Building Code and/or contravention of this bylaw, and may order that work be uncovered in order that inspections required by this bylaw may be conducted;
- (e) may order the cessation of work that is proceeding in contravention of this bylaw, a Building Permit, or the Building Code; and
- (f) may revoke a Building permit, Occupancy permit or Siting permit where there is violation of any condition under which the permit was issued or any provision of the Building Code or this bylaw, or where the information provided in connection with the application for a Building permit has been determined to be incorrect, such revocation to be in writing and delivered to the permit holder in person, posted on the Building that is the subject of the permit, or mailed to the permit holder.

13. Building Permits

- (a) Where:
 - (i) an application has been made; and
 - (ii) the proposed work set out in the application conforms with the Building Code, this bylaw and all other applicable bylaws; and
 - (iii) the applicant for a permit has paid the fee set out in the District of Elkford Fees and Charges Bylaw; and
 - (iv) the contractors and sub contractors identified on the application have a valid business license with the District of Elkford;

the Building Official shall issue the permit for which the application is made. Notwithstanding any other provision of this Bylaw or any other enactment, the Building Official may, at its discretion, withhold the issuance of a Building or Occupancy permit where the Building Official has been notified of a deficiency to a utility service deemed essential to support the use or Occupancy of the subject Building.

- (b) If the applicant has provided Letters of Assurance pursuant to the Building Code or in compliance with a requirement imposed under Section 19 of this Bylaw, the permit fee set out in the District of Elkford Fees and Charges Bylaw, shall be reduced by 10%.
- (c) When a site has been excavated 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 30 days of being served notice by the District to do so.

14. Permit Conditions

Every permit is issued upon the condition that:

- (a) the work is to be started within six months from the date of issuing the permit;
- (b) the work is not to be discontinued or suspended for a period of more than one year;
- (c) the permit shall lapse in the event that either condition 14. (a) or (b) is not met or if the work it authorizes has not been completed and an Occupancy permit issued within two years from the date of issuing the permit, unless the permit is renewed before the date on which it will lapse; and
- (d) an additional fee as set out in the District of Elkford Fees and Charges Bylaw, shall be paid if the permit is renewed.

15. No Refund

No fee or part thereof paid to the District shall be refunded if a start has been made on the construction of the Building. If no start has been made and the Building Official so certifies, the District's Director, Financial Services may refund to the applicant part of the permit fee less that portion of the fee related to Building inspections.

16. Double Permit Fee

If any construction for which a permit is required by this Bylaw has been commenced before a permit has been issued by the Building Official, the Owner of the real property on which the construction is being done shall pay to the District double the fee prescribed and set out in District of Elkford Fees and Charges Bylaw.

17. Re-Inspection Fee

Where, due to non-compliance with this bylaw or as a result of the work being required to be uncovered, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as specified in the District of Elkford Fees and Charges Bylaw to this bylaw shall be paid prior to additional inspections being performed.

18. Application Format

- (a) The application for a Building permit shall:
- (i) be made in the form prescribed by the Building Official;
 - (ii) be signed by the Owner or the Owner's Agent authorized in writing;
 - (iii) include a Land Title Certificate dated no more than 30 days prior to the date of application;
 - (iv) state the intended use or uses of the Building;
 - (v) include copies in duplicate of the specifications and scale drawings of the Building or Structure with respect of which the work is to be carried out showing:
 - (1) the dimensions of the Building;
 - (2) the proposed use of each room or floor area;
 - (3) the dimensions of the Land on which the Building is, or is to be, situated;
 - (4) the grades and elevations of the streets and sewers abutting the Land referred to in clause (3), when required by the Building Official;
 - (5) the position, Height and horizontal dimensions of all Buildings on the Land referred to in clause (3);
 - (6) a survey of the Land or Building site by a B.C. Registered Land Surveyor, when required by the Building Official;
 - (7) the technical information specified in other parts of this bylaw required to be included on the drawings relating to those parts;
 - (8) such other information as is necessary to illustrate all essential features of the design or construction of the Buildings;
 - (9) when required by the Building Official be accompanied by:
 - a. a plan that shows the location and size of every Building drain and of every trap or inspection piece that is on a Building drain, and
 - b. a sectional drawing that shows the size and location of every soil or waste pipe on the lot, trap and vent pipe; and
 - c. a schematic showing provisions for future solar domestic hot water system installation.
 - (10) contain any and all other information necessary to establish compliance with this bylaw.

- (b) The plans and specifications shall be submitted in the form required by the Building Official, shall have thereon complete design and calculation criteria so that the Building Official shall have this information available for examination, and shall bear the name and address of the designer.

19. Professional Design

- (a) Notwithstanding any other provisions of this bylaw, whenever in the opinion of the Building Official the proposed work requires specialized technical knowledge, the Building Official may require that all drawings, specifications and plans, surveys, or any part thereof, be prepared and signed by, and the construction carried out under the supervision of a Registered Professional.
- (b) The Building Official may require that any retaining wall construction greater than 1.2 m in Height be designed and the construction carried out under the supervision of a professional engineer registered in the Province of British Columbia.
- (c) When a Registered Professional provides letters of assurance in accordance with this bylaw, the District will rely solely on field reviews undertaken by the Registered Professional and the letters of assurance as a declaration 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. Partial Permit

The Building Official may issue a permit for the construction of a portion or phase of a Building before the entire plans and specifications for the entire Building have been submitted or approved, provided adequate information and detailed statements have been provided to establish to the Building Official's satisfaction that the portion or phase of the Building complies with this bylaw and the Building Code. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the Building, as if the permit had not been issued.

21. No Permit Required

No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures in Plumbing Systems, when such repairs do not involve or require the replacement or re-arrangement of valves, pipes or fixtures or hot water tanks.

22. Occupation Prior To Completion

Where a Building permit has been issued for a single-family residence the Owner may apply for a permit to occupy the Building prior to completion of construction, which permit may be withheld until the Building or part thereof complies with the health and safety requirements of the bylaws of the municipality and the Building Code.

23. Responsibility of the Owner

- (a) Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made by the Building Official shall in any way relieve the Owner of such Building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this bylaw or the Building Code.
- (b) Every Owner to whom a permit is issued shall, during construction:
 - (i) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (ii) keep a copy of the accepted designs, plans and specifications on the property; and
 - (iii) post the civic address on the property in a location visible from any adjoining streets.
- (c) Every Owner of a property or his Agent shall:
 - (i) obtain where applicable from the Building Official permits as identified in Section 3 of this bylaw prior to the commencement of such work;
 - (ii) in all cases where it is proposed to conduct the waste from plumbing fixtures, trade waste or surface or roof water to a public sewer, make certain, by inquiring from the Building Official, that such public sewer is at a sufficient depth and of a capacity to receive such discharge; and shall arrange the plumbing to suit the location of the sewer connection provided for the lot;
 - (iii) give at least 48 hours notice to the District of the intention to start work on the Building site;
 - (iv) give at least 72 hours notice to the District to obtain an inspection.

24. Security Deposit

- (a) Any Owner of property for which a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs as a result of the work covered by the permit, including any deposit of soil material and/or construction debris on municipal property.
- (b) As security for the Owner's obligation under the preceding section, an applicant for a Building permit shall provide to the District cash or a letter of credit in the amount prescribed and set out in District of Elkford Fees and Charges Bylaw.
- (c) The District may draw on the security to repair any damage not repaired by the Owner at the time the Building Official conducts a final inspection under this bylaw.
- (d) Any unused security shall be returned to the Owner, without interest, when the final inspection for the Building is issued.

- (e) The Building Official may waive or reduce the requirement for security if the location or nature of the construction is such that there is no reasonable possibility of damage to municipal works.
- (f) In the event that damage, which is the Owner's responsibility, is not resolved by the Owner prior to the final inspection, or within such other time limit set by the Building Official, and the damage requires a contractor or District work crews to be resolved, the costs so incurred by the District shall be deducted from the security deposit, if a security deposit was required. Any costs not paid before December 31 of the calendar year may be added to that year's property taxes.
- (g) The District may apply the security deposit to non-payment of fees including the re-inspection fees.
- (h) At the sole option of the Building Official, or as an alternative to the procedure set out in paragraph (f) above, the Owner may be permitted to make good the damage within the time and in accordance with standards set by the Building Official, and under this option, the deposit shall be held by the District until the Building Official certifies that the work has been substantially completed in accordance with the applicable standards, at which time the deposit shall be returned to the Owner.
- (i) Nothing in this section shall bar the District from claiming, suing and recovering damage in excess of the deposit.
- (j) Any deposit unclaimed upon expiry of a permit may be transferred to general municipal revenue for the current year.
- (k) Before issuing a permit to demolish any Building or Structure, the Building Official may demand, as a condition of issuance, that security be provided in a form satisfactory to the Building Official to ensure that the site of the demolition will be left in a safe, neat condition, free from debris or dust, and compatible with neighbouring properties. The amount of the security shall be equal to the estimated cost of site restoration and shall be acceptable to the Building Official. In the event that the site is not properly restored to a standard satisfactory to the Building Official, the Building Official may send written notice to the Owner requiring that the site be properly restored within thirty (30) days from the date of service of the notice. If the restoration is not carried out within the period of thirty (30) days the Building Official may draw upon the security on deposit and take whatever action is necessary to effect restoration of the site.
- (l) Should a Building or Structure which has been relocated subject to the provisions of this bylaw not be completed to Occupancy stage within two years from the date of issuance of the permit, the Building Official may send a written notice to the Owner stating that the Building does not comply with this bylaw or other enactment, and direct the Owner to remedy the noncompliance within thirty (30) days from the date of service of the notice. If the noncompliance is not remedied within the period of thirty (30) days, the Building Official may draw upon the security on deposit and take whatever action is necessary to effect completion of the Building and site.
- (m) Should a Building or Structure subject to the provisions of this bylaw not be completed to Occupancy stage within two years from the date of issuance of the permit, the Building Official may send a written notice to the Owner stating that the Building does not comply with this bylaw or other enactment and direct the Owner to remedy the noncompliance within thirty (30)

days from the date of service of the notice. If the noncompliance is not remedied within the period of thirty (30) days, the Building Official may draw upon the security on deposit and take whatever action is necessary to effect completion of the Building and/or site.

- (n) An applicant for a Temporary Building Permit shall provide to the District cash or a letter of credit in the amount prescribed and set out in District of Elkford Fees and Charges Bylaw, which security the District may draw on if the Building or Structures remain past the predetermined date as specified on the permit.

25. Inspections

- (a) Site Consultation – prior to any excavation or clearing and once the legal property pins, all utility services and any applicable easement, covenants, or similar have been located and identified by high visibility markers. The Building Official may waive or reduce any site consultation requirements at their discretion.
- (b) Forms - after the forms for foundations are complete but prior to placing of any concrete therein.
- (c) Foundation - after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to backfilling against the foundation.
- (d) Community Sewer & Water Connections – Public Works inspection prior to back fill of community water sewer connections.
- (e) Sub Slab Plumbing - before a Building drain is covered, and if any part of a Plumbing System is covered before it is inspected and approved, it shall be uncovered if the Building Official so directs, and when considered necessary, underground Building drains, branches may be retested after the completion of all backfilling and grading by heavy equipment.
- (f) Framing - when framing, sheathing and roofing of the Building are complete but before any insulation, lath or other interior or exterior finish is applied which could conceal such work.
- (g) Rough Plumbing - when all fixtures, devices, attachments and appurtenances of the Plumbing System including any required bleeder valves and water meters are complete and a “Plumbing Test Certificate” has been completed as required by the Building Official.
- (h) Insulation and vapour barrier - when insulation and vapour barrier are complete but prior to placement of any finish thereon.
- (i) Wood Burning Appliance – upon connection to the chimney.
- (j) Fireplace and/or chimney
 - (i) upon completion of the first course of the flue liner above the smoke chamber; and
 - (ii) prior to capping chimney.

(k) Prior to Occupancy – after the Building or portion thereof is substantially complete and ready for Occupancy, but before Occupancy takes place of the whole or a portion of the Building; when all health and safety requirements are met; and;

(l) Final – when all work is complete.

26. Equivalents

An Owner desirous of providing an equivalent material, equipment or method of construction not specifically authorized by the Building Code shall submit to the Building Official sufficient evidence to satisfy the Building Official that the proposed equivalent will provide the level of performance required by the Building Code.

27. Elkford Climatic Data

(a) The climatic data for the design of Buildings in the District of Elkford are as follows:

January 2½% Design Temperature	-28°C
January 1% Design Temperature	-31°C
July 2½% Dry Temperature	29°C
July 2½% Wet Temperature	15°C
Annual total degree days below 18°C (65°F) (30 Years)	5100
Maximum fifteen (15) minute rainfall	12 mm
Maximum one day (24 hr) rainfall	55 mm
Annual rainfall	390 mm
Annual precipitation	680 mm
Moisture Index	0.45
S(s) 30 year	3.4 kPa
S(r) 30 year	0.3 kPa
S(s) 50 year	3.7 kPa
S(r) 50 year	0.3 kPa
DRWP 1/5	115 Pa
Wind effect hourly: probability 1/10	0.42 kPa
Wind effect: probability 1/30	0.50 kPa
Wind effect: probability 1/50	0.54 kPa
Wind effect: probability 1/100	0.60 kPa
(B.C. Engineer uses for windload)	720 Pa
Design snow load	80% of ground snow level

28. Penalty

(a) Any person who violates the provisions of this bylaw or the Building Code is liable on summary conviction to a penalty not exceeding \$10,000 and the costs of the prosecution.

(b) Each day during which such violation is continued shall be deemed to constitute a new and separate violation.

29. Repeal

District of Elkford Building Bylaw No. 96, 1977 and all amendments thereto are hereby repealed.

Read a first time this 9th day of September, 2013.

Read a second time this 9th day of September, 2013.

Read a third time this 9th day of September, 2013.

ADOPTED this 23rd day of September, 2013.

D. McKerracher
Mayor

C. Helgesen
Chief Administrative Officer