

**THE CORPORATION OF THE VILLAGE OF NEW DENVER**

**BYLAW NO. 595**

A bylaw to regulate building in the Village of New Denver

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

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

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

NOW THEREFORE THE Council of the Corporation of the Village of New Denver, in open meeting assembled enacts as follows;

**1.0 TITLE**

1.1 This Bylaw may be cited for all purposes as the Village of New Denver Building Bylaw No. 595, 2006

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

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

**2.0 DEFINITIONS**

2.1 In this Bylaw:

The following words and terms have the meanings set out in Subsection 1.1 of the British Columbia Building Code: **assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, farm building, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.**

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

**Building Code** means the Building Regulations of British Columbia, as amended or superseded from time to time, established pursuant to section 692 of the Local Government Act.

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

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

**Complex Building** means:

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

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

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

**Council** means the Council of the Village of New Denver.

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

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

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

**Health and safety aspects of the work** means design and construction regulated by Part 3, Part 4, Part 7 and Subsections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, and 9.34 of Part 9 of the **Building Code**.

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

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

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

**Open pole-type structure** means a **building** or **structure** designed to be free standing and without a perimeter foundation or walls and intended to be used for sheltering the storage of hay or feed.

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

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

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

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

**Pool area** means the enclosed area around the perimeter of a **pool** to a maximum of 15 meters (50 ft.) from the edge of the water surface.

**Recreational Vehicle** means a vehicle, trailer, Park Model trailer, coach, house car, structure or conveyance designed to travel or to be transported on the highway and constructed or equipped to be used as a temporary living or sleeping quarters.

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

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

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

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

**Village** means Village of New Denver.

### **3.0 PURPOSE OF THIS BYLAW**

- 3.1 This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This Bylaw has been enacted for the purpose of regulating construction within the Village in the general public interest. The activities undertaken by or on behalf of the Village pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend to
  - 3.2.1 the protection of owners, owner/builders or constructors from economic loss;
  - 3.2.2 the assumption by the Village or any building official of any responsibility for ensuring the compliance with the Building Code, the requirements of this Bylaw or other applicable enactments respecting safety by any owner or any employees, constructors or designers retained by the owner or his or her representatives;
  - 3.2.3 providing any person with a warranty of design or workmanship with respect to any building or structure or plumbing system for which a building permit is issued under this Bylaw:
  - 3.2.4 providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village is free from latent, or any defects.
  - 3.2.5 providing a warranty to any person that construction is in compliance with the Building Code, this Bylaw or any other enactment with respect to a building or structure for which a permit is issued under this Bylaw.

### **4.0 PERMIT CONDITIONS**

- 4.1 No person shall undertake work regulated by this Bylaw without a permit.
- 4.2 Neither the issuance of a permit under this Bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Village shall in any way relieve the owner or his or her representative from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code and other applicable enactments respecting safety.
- 4.3 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work, in respect of which a permit is issued under this Bylaw, in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 4.4 The
  - 4.4.1 issuance of a permit under this Bylaw,
  - 4.4.2 acceptance or review of plans, drawings, specifications or supporting documents, or
  - 4.4.3 making of one or more inspections by or on behalf of the Village, does not constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or other applicable enactments respecting safety have been complied with.

- 4.5 No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued is responsible for making such determination.
- 4.6 An owner of the property for which a permit is issued must conform to all requirements of this Bylaw and all other enactments and Village bylaws applicable to the work for which the permit is issued.

## **5.0 SCOPE AND EXEMPTIONS**

### **5.1 This Bylaw applies to**

- 5.1.1. all farm buildings on land assessed as farm status by the B.C. Assessment Authority, except for the following:
  - 5.1.1.1 open pole-type structures;
  - 5.1.1.2 one-story buildings less than 40 sq. m (430 sq. ft.) in area used for agricultural or horticultural purposes;
  - 5.1.1.3 grain bins or silos;
- 5.1.2 the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change of occupancy of existing buildings and structures;
- 5.1.3 the installation of a new or used solid fuel burning appliance, certified by a recognized agency;
- 5.1.4 a newly installed new metal chimney certified by a recognized agency;
- 5.1.5 a newly constructed masonry chimney.

### **5.2 This Bylaw does not apply to**

- 5.2.1 buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein;
- 5.2.2 buildings or structures less than 9.33 square meters (100 sq. ft.).
- 5.2.3 retaining structures less than 1.5 meters (5 ft.) in height;
- 5.2.4 decks without roofs having a difference in elevation to grade not exceeding 600 millimeters (2 ft.);
- 5.2.5 existing metal or masonry chimneys;
- 5.2.6 alterations or repairs of masonry chimneys or fireplaces, solid fuel burning appliances, factory built chimneys or fireplaces and related equipment;
- 5.2.7 the repair or replacement of a valve, faucet, fixture or sprinkler head in a plumbing system if no change in piping is required;
- 5.2.8 construction that is regulated under a Residential Rehabilitation Assistance Program;

- 5.2.9 Structures, such as greenhouses and seasonal storage facilities, that are constructed of a wood, steel or plastic frame covered with sheet polyethylene, fabric, tarps or glass that are less than 28 square meters (300 sq. ft.) that are intended to be used temporarily on a seasonal basis and may be removed during the off season.

## **6.0 PROHIBITIONS**

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any building or structure until a final inspection report 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 by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this Bylaw.
- 6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless a building official has accepted that variance.
- 6.6 No person shall obstruct the entry on property of a building official or other authorized official of the Village in the administration of this Bylaw.

## **7.0 BUILDING OFFICIALS**

- 7.1 A building official may
  - 7.1.1 administer this Bylaw;
  - 7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this Bylaw or make microfilm or digital copies of such documents; and
  - 7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a building or structure for which a permit is sought under this Bylaw substantially conform to the requirements of the Building Code.
- 7.2 A building official
  - 7.2.1 may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;

- 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
- 7.2.3 shall carry proper credentials confirming the official's status as a Village building official.
- 7.3 A building official may order the suspension or correction of any work that contravenes the Building Code or this Bylaw, if the contravention is revealed to the building official on a visual inspection made during the course of carrying out that official's duties. For the purpose of this subsection, the building official is not obliged to require any work to be uncovered or removed in order to determine if there is a contravention.

## **8.0 APPLICATIONS**

- 8.1 Unless the work is exempted under Section 5.0 of this Bylaw, every person must apply for and obtain from the Village a
  - 8.1.1 building permit before constructing or altering a building or structure;
  - 8.1.2 building permit before installation of a Manufactured Home or Modular Home;
  - 8.1.3 plumbing permit before installation, alteration or remodelling of any plumbing is undertaken;
  - 8.1.4 building permit before installation of a pool;
  - 8.1.5 building permit before moving a building or structure;
  - 8.1.6 building permit before demolition of all residential buildings and all other buildings in excess of 300 meters squared (3,330. sq. ft.);
  - 8.1.7 building permit prior to the construction, alteration or installation of a masonry fireplace or the installation of a wood burning appliance or chimney;
- 8.2 An application made for building permits and all other permits issued under this Bylaw must be in the form provided by the Village.
- 8.3 All plans submitted with permit applications must bear the name and address of the designer of the building or structure.
- 8.4 For each building, structure or plumbing system to be constructed on a site, the owner must obtain a separate building permit and be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with Schedule "A" to this Bylaw.

## **9.0 APPLICATIONS FOR COMPLEX BUILDINGS**

- 9.1 An application for a building permit with respect to a complex building must
  - 9.1.1 be made in the form provided by the Village and signed by the owner making the application or a signing officer if the owner is a corporation;

- 9.1.2 be accompanied by the owner's acknowledgment of responsibility and undertakings made in the form provided by the Village, signed by the owner, or a signing officer if the owner is a corporation;
- 9.1.3 include a copy of a title search, accompanied by referenced covenants, made within 30 days of the date of the application;
- 9.1.4 state the intended use of the building;
- 9.1.5 include a site plan prepared by a British Columbia Land Surveyor or by a registered professional showing
  - 9.1.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - 9.1.5.2 the legal description and civic address of the parcel;
  - 9.1.5.3 the location and dimensions of all statutory rights of way, easements and setback requirements when required by the building official;
  - 9.1.5.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
  - 9.1.5.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
  - 9.1.5.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Village's land use regulations establish siting requirements related to minimum Floor elevation; and
  - 9.1.5.7 the location, dimension and gradient of parking and driveway access;
- 9.1.6 contain sufficient information on building plans to determine compliance with this bylaw, such as
  - 9.1.6.1 floor plans showing
    - (I) the dimensions and uses of all areas,
    - (ii) the location, size and swing of doors,
    - (iii) the location, size and opening of windows,
    - (iv) floor, wall, and ceiling finishes,
    - (v) plumbing fixtures
    - (vi) structural elements, and
    - (vii) stair dimensions;
  - 9.1.6.2 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
  - 9.1.6.3 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;



- 9.1.6.4 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
  - 9.1.6.5 copies of approvals, including, without limitation, highways access permits when required by the Ministry of Highways and Ministry of Health application approval;
  - 9.1.6.6 letters of assurance in the form of Schedule “A” as referred to in 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.
  - 9.1.6.7 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;
  - 9.1.6.8 two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in Sentences 9.1.6.1 - 9.1.6.3 of the bylaw.
- 9.2 In addition to the requirements of Subsection 9.1, the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
- 9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional;
  - 9.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
  - 9.2.3 any other information required by the building official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

## **10.0 APPLICATIONS FOR STANDARD BUILDINGS**

- 10.1 An application for a building permit with respect to a standard building must
- 10.1.1 be made on the form provided by the Village and signed by the owner making the application, or a signing officer if the owner is a corporation;
  - 10.1.2 be accompanied by the owner’s acknowledgment of responsibility and undertakings made in the form provided by the Village, signed by the owner, or a signing officer if the owner is a corporation;
  - 10.1.3 include a copy of a title search, accompanied by referenced covenants, made within 30 days of the date of the application;
  - 10.1.4 state the intended use of the building;

10.1.5 include a site plan showing

- 10.1.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
- 10.1.5.2 the legal description and civic address of the parcel;
- 10.1.5.3 the location and dimensions of all statutory rights of way, easements and setback requirements when required by the building official;
- 10.1.5.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
- 10.1.5.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of New Denver's land use regulations establish siting requirements related to flooding;
- 10.1.5.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Village of New Denver's land use regulations establish siting requirements related to minimum floor elevation; and
- 10.1.5.7 the location, dimension and gradient of parking; unless a building official has waived the requirements for a site plan, in whole or in part, in circumstances where the permit is sought for the repair or alteration of an existing building or structure.

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

- 10.1.6.1 floor plans showing
  - (I) the dimensions 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; structural elements; and
  - (vii) stair dimensions
- 10.1.6.2 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.6.3 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.6.4 cross-section details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;

- 10.1.6.5 copies of approvals including, without limitation, highway access permits, when required by the Ministry of Highways, and Ministry of Health application approval;
  - 10.1.6.6 a foundation design prepared by a registered professional in accordance with Section 4.2 of Part 4 of the Building Code, accompanied by letters of assurance in the form of schedules B-1 and B-2 as referred to in Section 2.6 of Part 2 of the Building Code, signed by the registered professional; and
  - 10.1.6.7 two sets of drawings at a suitable scale of the design including the information set out in Sentences 10.1.6.1 - 10.1.6.4 of this Bylaw.
- 10.1.7 The requirements of Sentence 10.1.6.6 may be waived by a building official in circumstances where the building official has required a professional engineer's report and the building permit is issued in accordance with Section 56(1) of the Community Charter.
- 10.1.8 The requirements of Sentence 10.1.6.6 may be waived by a building official if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with Subsection 9.4.4 of Part 9 of the Building Code and the foundation excavation substantially complies with Section 9.12 of Part 9 of the Building Code.
- 10.1.9 The requirements of 10.1.6.6 may be waived by the building official if the footings and foundation for the proposed building or structure are installed in compliance with Section 9.15 of part 9 of the Building Code.
- 10.2 In addition to the requirements of Subsection 10.1, the following may be required by a building official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:
- 10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional;
  - 10.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
  - 10.2.3. a roof plan and roof height calculation;
  - 10.2.4 structural, electrical, mechanical, plumbing or fire suppression drawings prepared and sealed by a registered professional;
  - 10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in Section 2.6 of Part 2 of the Building Code, signed by a registered professional;
  - 10.2.6 any other information required by the building official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other Bylaws and enactments relating to the building or structure.

10.2.7 a building official may waive the requirements of Sentence 10.1.6.6 of this bylaw if:

10.2.7.1 the Standard Building and the building site that are the subject of the building permit application meet all the criteria contained in Section 9.15 of Part 9 of the Building Code, and

10.2.7.2 the design and construction of the foundation of the building conform to the requirements of Subsections 9.15.2 to 9.15.6 both inclusive, of the Building Code.

10.2.8 If, once the permit has been issued, the criteria and requirements referred to in Sentence 10.2.7.1 and 10.2.7.2 are not complied with, the building official may take one or more of the following actions or any other action deemed necessary:

10.2.8.1 revoke the permit

10.2.8.2 refuse to permit occupancy of the building

10.2.8.3 impose the requirements of Sentence 10.1.6.6 of this bylaw.

## **11.0 PROFESSIONAL PLAN CERTIFICATION**

11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in Section 2.6 of Part 2 of the Building Code and provided pursuant to Sentences 9.1.6.7 and 10.1.6.6, Article 10.2.5, and Subsection 16.1 of this Bylaw are relied upon by the Village of New Denver and its building officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety of the building.

11.2 A building permit issued for the construction of a complex building, or for a standard building for which a building official required professional design pursuant to Article 10.2.4 and letters of assurance pursuant to Article 10.2.5 and Sentence 9.1.6.7 of this Bylaw must be in the form provided by the Village of New Denver.

11.3 A building permit issued pursuant to Subsection 11.2 of this Bylaw must include a notice to the owner that the building permit is issued in reliance upon certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.

11.4 When a building permit is issued in accordance with Subsection 11.2 of this Bylaw the permit fee must be reduced by 5% of the fees payable, up to a maximum reduction of \$500.00 (five hundred dollars).

## **12.0 FEES AND CHARGES**

12.1 In addition to applicable fees and charges required under other Bylaws, a permit fee, calculated in accordance with Schedule "A" to this Bylaw, must be paid in full prior to issuance of any permit under this Bylaw.

12.2 For complex buildings an application made for a building permit must be accompanied by the appropriate plan-check deposit fee prescribed in Schedule "A" to this Bylaw, which is non-refundable and must be credited against the building permit fee when the permit is issued.

- 12.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.4 The owner may obtain a refund of the building permit fees paid as prescribed in Schedule “A” to this Bylaw.
- 12.5 Where, due to non-compliance with this Bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as prescribed in Schedule “A” to this Bylaw must be paid prior to each additional inspection being performed.

### **13.0 BUILDING PERMITS**

- 13.1 When
  - 13.1.1 a completed application including all required supporting documentation has been submitted;
  - 13.1.2 the owner or his or her representative has paid all applicable fees set out in Subsection 12.1 of this Bylaw;
  - 13.1.3 the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw; and
  - 13.1.4 no covenant, agreement, or regulation in favour of the Village of New Denver, or bylaw of the Village of New Denver or other enactment authorizes the permit to be withheld;

a building official must 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 pursuant to section 30(1) of the Homeowner Protection Act that the proposed building
  - 13.2.1 is covered by home warranty insurance, and
  - 13.2.2 the constructor is a licenced residential builder.
- 13.3 Subsection 13.2 of the Bylaw does not apply if the owner or constructor is not required to be licenced and to obtain home warranty insurance in accordance with Sections 20(1) or 30(1) of the Homeowner Protection 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 6 months from the date of issuance of the permit;
  - 13.4.2 the work is discontinued for a period of 12 (twelve) months; or
  - 13.4.3 the work is not completed within 36 months (3 years) from the date of issuance of the permit.
- 13.5 A building official may, upon termination or expiration of the period of time in Article 13.4.3, grant a renewal of the permit for a further 36 month (3 year) period if satisfied that the construction is progressing at a reasonable rate of progress, providing that the renewal fee in the amount of the minimum permit fee is paid.

Should construction, granted under the renewal permit, not be completed within 36 months, the permit shall terminate and the owner will be required to apply for a new permit. The building official will calculate the fee proportionate to the completion of the construction from the last recorded inspection. A construction value will be assessed and a permit fee calculated in accordance with Schedule "A" to this Bylaw.

- 13.6 A building official may extend the period of time set out under Articles 13.4.1 and 13.4.2 where construction has not commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.
- 13.7 A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the Village of New Denver to demonstrate to the building official that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this Bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure referred to in the previous sentence had not been issued.

**14.0 DISCLAIMER OF WARRANTY OR REPRESENTATION**

- 14.1 Neither the issuance of a permit under this Bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a building official shall constitute a representation or warranty that the Building Code or the Bylaw have been complied with or the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard of construction.

**15.0 CLIMATIC AND GEOLOGICAL DATA**

- 15.1 Climatic data for the design of buildings in the Village of New Denver are deemed to be:

DESIGN TEMPERATURE

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

PRECIPITATION

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

MAXIMUM GROUND SNOWLOAD

New Denver	(adjacent)	3.6 kPa	75 P.S.F.
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\*Associated Rain Load S 0.1 kPa

HOURLY WIND PRESSURES

Probability	1/10	.24 kPa
	1/30	.30 kPa
	1/100	.39 kPa

SEISMIC DATA

Zone Acceleration	1.00
Zone Velocity	1.00
Zone Velocity Ratio (V)	0.05

**16.0 PROFESSIONAL DESIGN AND FIELD REVIEW**

- 16.1 When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require that a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in Section 2.6 of Part 2 of the Building Code.
- 16.2 Prior to the issuance of a final inspection report for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with Sentences 9.1.6.7 and 10.1.6.6, Article 10.2.5 or Subsection 16.1 of this Bylaw, the owner must provide the Regional District 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.
- 16.3 When a registered professional provides letters of assurance in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, or Subsections 16.1 or 16.2 of this Bylaw, the registered professional must also provide proof of professional liability insurance/errors and omissions to the building official in the form provided by the Village of New Denver.

**17.0 RESPONSIBILITIES OF THE OWNER**

- 17.1 Every owner must ensure that all construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 17.2 Every owner to whom a permit is issued must, during construction,
  - 17.2.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
  - 17.2.2 keep a copy of the accepted designs, plans and specifications on the property; and
  - 17.2.3 post the civic address on the property in a location visible from any adjoining streets.

**18.0 INSPECTIONS**

- 18.1 When a registered professional provides letters of assurance in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, or Subsections 16.1 or 16.2 of this Bylaw, the village will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this Bylaw and other applicable enactments respecting safety.

18.2 Notwithstanding Subsection 18.1 of this Bylaw, a building official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.

18.3 A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code, this Bylaw and any other applicable enactment concerning safety.

18.4 The owner or his or her representative shall give at least 72 hours notice to the village when requesting an inspection and shall obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealing it:

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

**DAMP PROOFING AND DRAIN TILES:** After removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp proofing but **PRIOR** to backfilling.

**PLUMBING:** After the groundwork has been completed, but **PRIOR** to backfilling. Testing may be required at this point.

**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.

**MASONRY FIREPLACE:**

First Inspection - Installation of first flue liner above smoke chamber.  
Second Inspection - Chimney cap, but **PRIOR** to installing.

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

**INSULATION:** After all insulation and vapour barriers are installed but **PRIOR** to covering same.

**FINAL:** When the building or portion thereof is completed and ready for occupancy but **PRIOR** to occupancy thereof.

18.5 No aspect of the work referred in Subsection 18.4 of this Bylaw may be concealed until a building official has accepted it in writing.

18.6 The requirements of Subsection 18.4 of the Bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, and Subsection 16.1 or 16.2 of this Bylaw.

18.7 The building official may require that the owner submit a building location survey certificate at the footing/foundation formwork stage of construction, prior to pouring concrete. He may withhold authorizing the continuation of construction by posting a "STOP WORK" notice until a survey certificate is submitted that confirms that the building location complies with all applicable regulations and bylaws.



## **19.0 FINAL INSPECTION REPORT**

- 19.1 No person may occupy a building or structure or part of a building or structure until a final inspection report has been issued in the form provided by the village.
- 19.2 A final inspection report must not be issued unless
- 19.2.1 all letters of assurance have been submitted when required in accordance with Sentences 9.1.6.7, 10.1.6.6, Article 10.2.5, and Subsection 16.1 or 16.2 of this Bylaw.
- 19.2.2 all aspects of the work requiring inspection and acceptance pursuant to Subsection 18.4 of this Bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with Subsection 18.6 of this Bylaw.
- 19.3 A building official may issue a final inspection report for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in Subsection 19.2 of this Bylaw have been met with respect to it.

## **20.0 POOLS**

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

## **21.0 RETAINING STRUCTURES**

- 21.1 A registered professional must undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.22 meters (4 ft.) in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.22 meters (4 ft) in height shall be submitted to a building official prior to acceptance of the works.

**22.0 PENALTIES AND ENFORCEMENT**

- 22.1 A person who contravenes a provision of this Bylaw commits an offence and is liable on conviction to a fine of not less than \$100.00 (One Hundred Dollars) and not more than the maximum penalty prescribed by law.
- 22.2 A person who fails to comply with any order or notice issued by a building official, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.
- 22.3 A person who commences construction prior to obtaining a permit as required by this Bylaw shall pay double the permit fee calculated as prescribed in Schedule “A” to this Bylaw and this additional fee shall not exceed \$500.00. For the purposes of this subsection, construction shall be deemed to have commenced when a building has been moved to its new location, or the concrete footings have been poured, or equivalent works is in place when other building systems are used.
- 22.4 A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this Bylaw by posting a Stop Work notice on the building or structure in the form provided by the village.
- 22.5 The owner of property on which a Stop Work notice has been posted, and every other person, must cease all construction work immediately and shall not do any work until all applicable provisions of the Building Code and this Bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a building official.
- 22.6 Where a person occupies a building or structure or part of a building or structure in contravention of Subsection 6.2 of this Bylaw, a building official may post a Do Not Occupy notice in the form provided by the village on the affected part of the building or structure.
- 22.7 The owner of property on which a Do Not Occupy notice has been posted, and every person, must cease occupancy of the building or structure immediately and must refrain from further occupancy until all applicable provisions of the Building Code and this Bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a building official.

**23.0 SEVERABILITY AND APPLICATION**

- 23.1 The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.
- 23.2 This Bylaw shall apply to all areas of the Village of New Denver.

**24.0 TRANSITION**

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

**25.0 ENACTMENT AND REPEAL**

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

25.2 The Village of New Denver Building Bylaw 491, 1997 and all amendments thereto is hereby repealed upon the adoption of this Bylaw.

READ A FIRST TIME this 14<sup>th</sup> day of February, 2006.

READ A SECOND TIME this 14<sup>th</sup> day of February, 2006.

READ A THIRD TIME this 14<sup>th</sup> day of February, 2006.

FINALLY ADOPTED this 28<sup>th</sup> day of February, 2006.

G. L. Wright  
MAYOR

Carol Gordon  
ADMINISTRATOR

**VILLAGE OF NEW DENVER**  
**BUILDING BYLAW NO. 595, 2006**  
**SCHEDULE "A" - PERMIT FEES**

**A. Building Permit Fees**

Building permit fees for the Village of New Denver shall be the current building permit fees of the Regional District of Central Kootenay.

**B. Related Permit Fees**

Related building permit fees for the Village of New Denver shall be the current related building permit fees of the Regional District of Central Kootenay.

**C. Plumbing Permit Fees**

Plumbing permit fees shall be the current plumbing permit fees of the Regional District of Central Kootenay.

**D. Permit fee refunds**

Building permit fees may be refunded only upon written request from the owner - up to six (6) months from the date of issuance of the building permit - subject to no permit related work having been commenced. Upon receipt of a refund the permit will be cancelled.

Building permit fee refunds shall be the current building permit fee refunds of the Regional District of Central Kootenay.

**E. Plan Check Deposit**

The fee for building permit plan check deposit shall be the current building permit plan check deposit fee of the Regional District of Central Kootenay, and shall be applicable only to Complex Buildings.

THE CORPORATION OF THE VILLAGE OF NEW DENVER

BYLAW NO. 670

A bylaw to amend Village of New Denver  
Building Bylaw No. 595, 2006

\*\*\*\*\*

WHEREAS Council deems it necessary to amend Village of New Denver Building Bylaw No. 595, 2006;

NOW THEREFORE, the Council of the Corporation of the Village of New Denver in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as “Village of New Denver Building Amendment Bylaw No. 670, 2012.
2. Village of New Denver Building Bylaw No. 595, 2006 is amended as follows:

- a) Subsection 6.2 - Prohibitions is deleted in its entirety and the following is inserted;

Subsection 6.2 – No person shall occupy or use any new **building** or **structure** without first obtaining an **Occupancy Permit** issued by a **Building Official** for the **building** or **structure**, or contrary to the terms of any permit issued or any notice given by a **building official**.

- b) Subsection 13.5 – Building Permits is deleted in its entirety and the following is inserted;

Subsection 13.5 – An owner may apply for and the building official may issue a renewal of a building permit for a period of not more than one year. A renewal fee is payable as required under the Regional District of Central Kootenay Fee Schedule.

Article 13.5.1 - A permit may be renewed only one time under Subsection 13.5.

- c) Subsection 18.4 – Inspections is deleted in its entirety and the following is inserted;

Subsection 18.4 – The owner or his or her representative shall give at least 72 hours notice to the village when requesting an inspection and shall obtain an inspection and receive a building official’s acceptance of the following aspects of the work prior to concealing it;

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

**DAMP-PROOFING AND FOUNDATION PERIMETER DRAINAGE;**

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

**PLUMBING:**

i. **UNDERSLAB:** After underslab drain and water distribution piping has been installed, with test applied but before covering.

ii. **ROUGH-IN:** After drain waste and vent, and water distribution piping has been installed, with test applied but before covering.

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

**MASONRY FIREPLACE:**

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

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

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

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

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

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

- d) Subsection 19.0 Final Inspection Report be deleted in its entirety and the following inserted;

19.0 OCCUPANCY PERMIT

19.1 No person may occupy a new **building** or **structure** or part of a new **building** or **structure** until an **Occupancy Permit** has been issued in the form accepted by the Village.

19.2 An **Occupancy Permit** must not be issued unless:

19.2.1 all letters of assurance have been submitted when required in accordance with this bylaw.

19.2.2 all aspects of work requiring inspection and acceptance pursuant to Subsection 18.4 of this Bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with Subsection 18.6 of this Bylaw.

19.3 A **Building Official** may issue an **Occupancy Permit** for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in Subsection 19.2 of this Bylaw have been met with respect to it.

19.4 Notwithstanding Subsection 19.1, a **Building Official** may issue a conditional **Occupancy Permit** outlining the date before which an owner must complete conditions to occupancy of the **building** or **structure**.

3. This Bylaw shall take effect upon adoption by Council.

READ A FIRST TIME this 27<sup>th</sup> day of March, 2012.

READ A SECOND TIME this 27<sup>th</sup> day of March, 2012.

READ A THIRD TIME this 27<sup>th</sup> day of March, 2012.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 10<sup>th</sup> day of April, 2012.

C.A. Bunka  
MAYOR ANN BUNKA

Carol Gordon  
ADMINISTRATOR

Certified a True Copy of  
Bylaw No. 670, 2012.

Carol Gordon  
Administrator

