

Contents of this Bylaw are produced and consolidated for convenience only. Every effort has been made to ensure the accuracy and completeness of the material, however, the Town cannot guarantee its legal accuracy and does not accept responsibility for loss or inconvenience suffered by users as a result of inaccuracies. Please be advised that this material is not admissible in a court of law in accordance with the *Evidence Act of British Columbia*. For such purposes certified copies of Bylaws must be obtained from the Municipal Clerk.

TOWN OF SIDNEY

**BYLAW NO. 1791
(CONSOLIDATED)**

Amendment Bylaws incorporated as listed at the end of the document.

A BYLAW TO PROVIDE FOR ADMINISTRATION OF BUILDING REGULATIONS

SECTION 1 CITATION, SCOPE, APPLICATION AND DEFINITIONS:

SUBSECTION 1 CITATION:

1.1.1. This Bylaw may be cited for all purposes as "**Building Regulation Bylaw No. 1791, 2003**"

SUBSECTION 1.2 SCOPE AND ADMINISTRATION:

- 1.2.1 This Bylaw applies to the design, construction and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings.
- 1.2.2 The requirements of the current British Columbia Building Code, British Columbia Plumbing Code, British Columbia Fire Code and The Town of Sidney Bylaws shall apply to all work falling within the scope of the Bylaw.
- 1.2.3 As well as the following applications listed below, this Bylaw applies to buildings or structures that are listed in the Scope and Application section of the British Columbia Building Code.
- 1.2.4 This Bylaw applies where the whole or any part of a building is relocated either within or into the Municipality.
- 1.2.5 When the whole or any part of a building is demolished, this Bylaw applies to the work involved in the demolition and to the work required to any parts remaining after the demolition.
- 1.2.6 When a building is damaged by fire, earthquake or other causes, this Bylaw and all other appropriate regulations and bylaws, and the current British Columbia Fire Services Act apply to the work necessary to correct the unsafe condition.
- 1.2.7 When an unsafe condition exists in or about a building, this Bylaw and all other appropriate Municipal regulations and bylaws, and the current British Columbia Fire Services Act shall apply to the work necessary to correct the unsafe condition.
- 1.2.8 When the occupancy of a building or any part of it is changed, this Bylaw applies to all parts of the building affected by the change.
- 1.2.9 Notwithstanding any other requirements in this Bylaw, this Bylaw also applies to:
 - (a) The design and construction of a structure designed to support a radio transmission antenna,
 - (b) All plumbing systems on private property,
 - (c) Fences on private property, and
 - (d) Seawalls or foundations for seawalls.

SUBSECTION 1.3 EXEMPTIONS:

1.3.1 Except as otherwise provided for in this Bylaw, this Bylaw does not apply to buildings that are exempted under the British Columbia Building Code.

SUBSECTION 1.4 DEFINITIONS:

1.4.1 The words and terms in this Bylaw shall have the meaning prescribed in the current British Columbia Building Code unless otherwise defined in this section.

1.4.2 Definitions of words and phrases used in this Bylaw that are not specifically defined in the current British Columbia Building Code or in this section of the Bylaw shall have the meanings which are commonly assigned to them in the context, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

1.4.3 In this Bylaw:

Agent - includes a person, firm, or corporation representing the owner by designation or contract, and interalia includes a hired tradesperson and/or contractor who may be granted permits for work within the limitations of his/her licence.

Authority having Jurisdiction means the governmental body responsible for the enforcement of any part of these requirements, or the Building Official or his designate that has been appointed by resolution to exercise such a function.

Backflow Preventer means a device or a method that prevents a flowing back or reversal of the normal direction of the flow installed or used in a water system connected to the Municipality's public water system.

Building Permit means a permit for construction required or issued pursuant to this bylaw.

Building Code means the British Columbia Building Code and amendments thereto as adopted under the Building Regulations of British Columbia.

Building Official - includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Town of Sidney.

Complex Building -

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 building 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, and
 - iv. Medium and low hazard industrial occupancies.

Council – means the Council of the Municipality

Construct – includes reconstruction, install, erect, repair, alter, add, demolish and move

Dwelling Unit means one or more rooms occupied or intended to be occupied as the home or residence of not more than one family, and contains cooking, eating, sleeping and sanitary facilities.

Occupancy Certificate means an Occupancy Certificate issued pursuant to this bylaw.

Fire Limit Area - the area within the boundary of the Town of Sidney shall be known as the established fire limit area.

Owner – in respect of real property means the registered owner of an estate in fee simple and includes:

- (a) The registered holder of the last registered agreement for sale,
- (b) The holder or occupier of land held in the manner mentioned in Section 409 and 410 of the Local Government Act, and
- (c) An agent authorized in writing by the owner to act on his behalf.

Swimming Pool – means any structure or construction, intended primarily for recreation that is, or is capable of being, filled with water to a depth of 0.6 metres (2 feet) or more. For the purpose of this definition, a hot tub shall not be considered a swimming pool.

Town - means the Town of Sidney.

SECTION 2 **RESPONSIBILITIES AND OBLIGATIONS:**

SUBSECTION 2.1 **GENERAL RESPONSIBILITIES:**

- 2.1.1 No person shall work or authorize or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.
- 2.1.2 No person shall work or allow work to proceed on a project with a Stop Work Order placed on it or fail to comply with any notice issued by the Building Official or who allows a violation of these requirements to continue.
- 2.1.3 No person shall construct, install, extend, alter, renew or repair a plumbing system or connect to a Municipal sewer, drainage or water service unless a plumbing permit to do so has been obtained.
- 2.1.4 No person shall construct a new building, or alter, reconstruct, demolish, remove, and relocate an existing building unless a building permit to do so has been obtained.
- 2.1.5 No person shall deviate from the plans or specifications forming a part of the building permit, or omit or fail to complete, prior to occupancy, work required by the plans and specification accepted by the Authority having Jurisdiction, without first having obtained in writing the approval of the Authority having Jurisdiction.
- 2.1.6 No person shall occupy or allow the occupancy of any building, or any part thereof, unless the owner has obtained occupancy permit from the Authority having Jurisdiction.
- 2.1.7 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building shall cause, allow or maintain any unsafe condition.
- 2.1.8 No person shall excavate or undertake work on, over, or under public property, or erect or place any construction or work or store any materials on public property without approval having first been obtained in writing from the Authority having Jurisdiction.

- 2.1.9 No person shall change or alter the natural ground elevations of the site where it will revise the final height of a structure, when determining finished grade.
- 2.1.10 No person shall knowingly submit false or misleading information.
- 2.1.11 No person shall reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate issued pursuant to this Bylaw and posted on any building or structure.
- 2.1.12 No person shall prevent or obstruct or attempt to prevent or obstruct entry of the Authority having Jurisdiction at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- 2.1.13 No person shall fail to maintain, repair or field test a backflow preventer in accordance to the CSA standards.

SUBSECTION 2.2 OBLIGATIONS OF THE OWNER:

- 2.2.1 Every owner shall allow the Authority having Jurisdiction to enter any building or premises at any reasonable time for the purpose of administering and enforcing this Bylaw.
- 2.2.2 Every owner shall obtain all necessary permits or approvals required in connection with the proposed work, prior to commencing the work to which they relate.
- 2.2.3 Every owner shall ensure that the Superintendent of Parks and Works has been contacted prior to any excavation on the construction site if there are trees on the site.
- 2.2.4 Every owner shall assure him/herself that the Municipal services are at adequate depth and size to serve the proposed development and that the plumbing is constructed to meet these services.
- 2.2.5 Neither the granting of a permit nor the acceptance of the plans and specifications nor inspections made by the Authority having Jurisdiction 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.
- 2.2.6 Every owner of property for which a permit is issued shall be responsible for the cost of repair for any damage to Municipal works that occur as a result of the work covered by the permit.
- 2.2.7 Every owner shall, prior to commencing the work, give notice to the Authority having Jurisdiction the name, address and telephone number of:
 - (a) The constructor or other person in charge of the work,
 - (b) The professionally qualified person reviewing the work,
 - (c) All sub-contractors working on site, and,
 - (d) Any inspection or testing agency engaged to monitor the work.
- 2.2.8 Every owner shall notify the Authority having Jurisdiction of any change in or termination of employment of such persons during the course of the construction immediately that such changes or termination occurs.

2.2.9 Every owner having a valid permit shall request the Authority having jurisdiction to make or cause to be made the following inspections by giving notice to the Building Department a minimum of one working day prior to the inspection being requested, and the owner shall not proceed with any further work which would prevent a thorough field review to be done:

- (a) After the forms for footings and foundations are complete, but prior to placing of any concrete therein,
- (b) After removal of the concrete foundation forms and installation of perimeter drain tiles and damp proofing, but prior to backfilling against foundation,
- (c) When framing and sheathing of the building are completed, including fire stopping, bracing, chimney, ductwork, plumbing, gas venting, wiring, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work,
- (d) In the case of stucco, when stucco lathing has been completed but prior to any base-coat being applied, when the base-coat has been applied, and prior to any subsequent coat being applied,
- (e) When the rough plumbing within the building is completed and a test is being conducted as specified by manufacturer's specifications or the British Columbia Plumbing Code,
- (f) After insulation and vapour barrier has been installed and prior to any interior finishes being applied,
- (g) When drywall and/or lathwork are completed before taping, filling and plaster is applied,
- (h) Before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing system is covered before it is inspected and accepted, it shall be uncovered if the Authority having Jurisdiction so directs, and when considered necessary, underground building drains, branches, storm drains, and sewers shall be retested after the completion of all backfilling and grading by heavy equipment,
- (i) After the building or portion thereof is completed and ready for occupancy, but before occupancy takes place of the whole or a portion of the building, and,
- (j) In the case of a building demolished, after the completion of the demolition and at the time of capping of existing services, prior to backfilling them.

2.2.10. Where a building is a complex building the owner shall request the Authority having jurisdiction to make or cause to be made a field review of the above noted inspections by giving notice to the Building Department a minimum of one working day prior to the field review being requested. The Authority having Jurisdiction shall contact the registered professional of any observations, which are noted as not meeting plans, which were accepted for permit.

2.2.11. The registered professional shall either submit redesigned plans or amendments to the plans showing the changes noted or ensure the owner makes necessary changes to the construction to make the building or structure meet the plans submitted for building permit.

- 2.2.12 The Authority having Jurisdiction may require the owner, at the owner's expense, to obtain and submit results of tests and inspections necessary to prove compliance with this Bylaw and shall promptly file a copy of all tests and inspections reports to the Authority having Jurisdiction.
- 2.2.13 Every owner shall provide to the Authority having Jurisdiction, a survey of the building foundation by a British Columbia Land Surveyor after foundation is completed, and prior to framing.
- 2.2.14 When required by the Authority having Jurisdiction the owner shall supply the Authority having Jurisdiction a building height survey of the building by a British Columbia Land Surveyor to ensure compliance to any Municipal bylaw respecting building height.
- 2.2.15 When required by the Authority having Jurisdiction, every owner shall uncover and replace at his/her own expense any work that has been covered contrary to an order issued by the above authority or prior to a field review of the work.
- 2.2.16 Every applicant for a building permit shall deposit with the Town security in the form of cash or an irrevocable letter of credit, to secure payment for injury to, or destruction, defacement or disturbance of Municipal property, installations, road and accesses caused by any work done under such permit or by any person doing the work. The Town may draw down and use the security to pay for costs of making good any such injury, destruction, defacement or disturbance caused as aforesaid and shall deal with the security in accordance with section 19(3) of the *Community Charter*. Nothing in this clause shall prevent the Town from recovering for injury or damage in excess of such security. The amount of required security shall be determined as follows:
- (a) Three hundred (\$300.00) dollars where the value of the work under the building permit is under \$10,000.00;
 - (b) One thousand (\$1000.00) dollars where the value of the work under the building permit is \$10,001.00 to \$100,000.00;
 - (c) One (1%) percent of the value of the work under the building permit, where the value of the work under the building permit is \$100,001.00 to \$500,000.00; and
 - (d) Where the value of the work under the building permit exceeds \$500,000.00, the security shall be equal to one (1%) percent for the first \$500,000.00 plus point five (0.5%) percent of the value in excess of \$500,000.00.

Under this section, the value of the work under a building permit shall be determined by the Authority having Jurisdiction.

- 2.2.17 Every applicant for a demolition permit shall deposit with the Town security in the amount of one thousand (\$1,000.00) dollars, in the form of cash or a letter of credit, to secure payment for injury to, destruction, defacement or disturbance of Municipal property, installations, road and accesses, caused by any work done under such demolition permit or by any person doing the work. The Town may draw down and use the security to pay for the costs of making good any such injury, destruction, defacement or disturbance caused as aforesaid and shall deal with the security in accordance with section 19(3) of the *Community Charter*. Nothing in this clause shall prevent the Town from recovering for injury or damage in excess of any security.

- 2.2.18 No security shall be required under section 2.2.16, if the value of the work under the building permit is less than twenty-five hundred (\$2,500.00) dollars, as determined by the Authority having Jurisdiction.
- 2.2.19 Every owner shall obtain an occupancy permit from the Authority having Jurisdiction prior to any:
- (a) Occupancy of a building or part thereof after construction, partial demolition, or alteration of that building, or,
 - (b) Change in the occupancy of a building or part thereof.
- 2.2.20 When required by the Authority having Jurisdiction, every owner shall provide a letter to certify compliance with these requirements and with any required permit.
- 2.2.21 When a building or part thereof is in an unsafe condition, the owner shall take all necessary action to put the building in a safe condition.
- 2.2.22 Before an owner obtains a building permit to construct or have constructed a building or building component that requires professional design and field review according to this Bylaw, the owner shall:
- (a) Retain the service of the required registered professional, and
 - (b) Deliver to the Authority having Jurisdiction, Letters of Assurance, Schedule A, B-1 and B-2 in the forms set out in the British Columbia Building Code.
- 2.2.23. Before an owner obtains an occupancy permit or final inspection from the Authority having Jurisdiction for a building or building component that requires professional design and field review according to this Bylaw, the owner shall deliver to the Authority having Jurisdiction, Letters of Assurance, Schedule C in the forms set out in the Building Code.
- 2.2.24 The Owner shall prior to the Occupancy of any building, or part thereof, after completion of construction of the building, or part thereof, or prior to any change in classification of occupancy of any building, or part thereof, obtain from the Building Official an Occupancy Permit which may be withheld by the Building Official until the building or part thereof complies with the requirements of this Bylaw and any enactments.
- 2.2.25 The owner to which a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occur as a result of the work covered by the permit.
- 2.2.26. The owner shall ensure that all work covered by this Bylaw shall be to an acceptable standard of good workmanship in performance and appearance.
- 2.2.27 The owner of the property shall ensure that elevations of the property are such as not to allow drainage from the property to drain on adjacent properties.
- 2.2.28 When a deconstruction permit has been issued, the permit holder must ensure that deconstruction is completed and the site cleared within
- (a) Twenty-one (21) calendar days with any buildings with a total floor area equal to or less than 185 square metres,
 - (b) Twenty-eight (28) calendar days for building with a total area greater than 185 square metres, or
 - (c) On major projects to a time acceptable to the Authority having Jurisdiction.

SUBSECTION 2.3 OBLIGATIONS OF THE AUTHORITY HAVING JURISDICTION:

- 2.3.1 The Authority having Jurisdiction is responsible for the administration and enforcement of these requirements.
- 2.3.2 The Authority having Jurisdiction shall keep copies of all applications received, permits and orders issued, inspection and tests made and of all papers and documents connected with the administration of these requirements.
- 2.3.3 The Authority having Jurisdiction shall answer such relevant questions as may be reasonable with respect to the provisions of these requirements when requested to do so but, except for standard design aids, shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.
- 2.3.4 The Authority having Jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner where a contravention of this Bylaw exists.
- 2.3.5 The Authority having Jurisdiction shall issue a permit to the owner when, to the best of his/her knowledge, the applicable conditions as set forth in this Bylaw have been met.

SUBSECTION 2.4 ADMINISTRATION AND ENFORCEMENT:

- 2.4.1 The Authority having Jurisdiction may enter any property or premises at any reasonable time for the purpose of administering or enforcing this Bylaw, or if there is reason to believe an unsafe condition exists.
- 2.4.2 The Authority having Jurisdiction may order:
 - (a) A person who contravenes this Bylaw to comply with the bylaw within the time period specified,
 - (b) Work to stop on the building or any part thereof if such work is proceeding in contravention of this Bylaw, or if there is deemed to be an unsafe condition, by placing a "Stop Work" notice or by written notice,
 - (c) The removal of any unauthorized encroachments on public property,
 - (d) The removal of any building or part thereof constructed in contravention of this Bylaw,
 - (e) The cessation of any occupancy in contravention of this Bylaw,
 - (f) The cessation of any occupancy if an unsafe condition exists because of work being undertaken or not completed, and,
 - (g) Correction of any unsafe condition.
- 2.4.3 The Authority having Jurisdiction may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition complies with this Bylaw.

- 2.4.4 The Authority having Jurisdiction may require that, in addition to the information required in this Bylaw, a plan or survey, prepared by a British Columbia Land Surveyor, be submitted prior to commencing the framing, certifying that the building foundations have been located in accordance with the approved plot plan submitted with the application. The plan shall show the location of the building foundations in relation to the lot boundaries, easements, right of ways and covenants and where necessary, geodetic floor elevations.
- 2.4.5 The Authority having Jurisdiction may require, in addition to the information required in the Bylaw, height surveys, prepared by a British Columbia Land Surveyor at various stages of construction, to provide assurance that the building complies with Municipal bylaws respecting height.
- 2.4.6. Where the site conditions, the size or complexity of a building, part of a building or building component warrant, the Authority having Jurisdiction may require:
- (a) Professional design and field review,
 - (b) That the appropriate Letters of Assurance, Schedule A, B-1, B-2 and C as contained in the Building Code be submitted by the owner, and
 - (c) That the appropriate Letters of Assurance, Schedule A, B-1, B-2 and C as contained in the Building Code be submitted from a Building Envelope Consultant.
- 2.4.7 Without limiting the generality of this section, the following shall require professional design and field reviews:
- (a) Buildings that fall within the scope of Part 3 of the Building Code,
 - (b) Structural components of the buildings that fall within the scope of Part 4 of the Building Code,
 - (c) A building that is designed with common egress systems for the occupants and requires the use of firewalls,
 - (d) Any Complex building as defined, and
 - (e) Any other building or part thereof that a Building Official wishes reviewed.
- 2.4.8 Professional design and field review requires that a registered professional comply with the requirements of the British Columbia Building Code section on "Professional Design and Review".
- 2.4.9 The Authority having Jurisdiction may issue a permit at the risk of the owner with conditions to ensure compliance with this bylaw and any other applicable regulations, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted by the Authority having Jurisdiction.
- 2.4.10 The Authority having Jurisdiction may issue a permit for the whole project conditional upon the submission, prior to commencing work, of additional information not available at the time of issue, if such information is of secondary importance and is of such a nature that the withholding of the permit until its availability would delay the work unreasonably.

2.4.11 The Authority having Jurisdiction may refuse to issue any permit:

- (a) Whenever information submitted is inadequate to determine compliance with the provisions of this Bylaw,
- (b) Whenever incorrect information is submitted,
- (c) That would authorize any building work or occupancy that would not be permitted by this Bylaw, or
- (d) Where the proposed work does not comply with the Building Code, a Municipal bylaw or a statute.

2.4.12 The Authority having Jurisdiction may revoke a permit if:

- (a) There is a contravention of any condition under which the permit was issued,
- (b) Construction is at variance with the permit drawings,
- (c) The permit was issued in error, or
- (d) The permit was issued on the basis of incorrect information.

2.4.13 The Authority having Jurisdiction may place a value on the cost of the work for the purpose of determining the applicable permit fees.

2.4.14 The Authority having Jurisdiction may issue an occupancy permit, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or a part thereof for the accepted use.

2.4.15 Before issuing an occupancy permit, the Authority having Jurisdiction may require the owner to provide letters to certify that the requirement of this Bylaw and the necessary permit requirements have been met.

2.4.16 If a field review of the work under permit shows that it is unsatisfactory, unsafe or in violation of this Bylaw, the Authority having Jurisdiction shall advise the permit holder by written notice posted on site or by letter. The permit holder shall then perform the alterations, corrections or replacements as may be necessary and advise the Authority having Jurisdiction when the work is ready for further field review.

2.4.17 Any person to whom a permit has been issued under this Bylaw and who has been notified in writing of a violation in accordance with this Bylaw, and who has not complied with the requirements of such notice within ten (10) days of such notice or as otherwise specified in writing, shall have no further permits issued under this Bylaw until the person has complied.

2.4.18 The Authority having Jurisdiction shall provide the reasons for refusal to grant a permit, when requested to do so.

2.4.19 Where any failure occurs which causes or has the potential to cause injury or loss of life, the Authority having Jurisdiction may require the owner or his agent to submit a report stating:

- (a) The name and address of the owner of the building,
- (b) The address or location of the building involved in the failure,
- (c) The name and address of the constructor,
- (d) The nature of the failure, and
- (e) The plan to rectify the failure, complete with time schedules.

SECTION 3 **PERMITS AND PERMIT FEES:**

SUBSECTION 3.1 **PERMITS:**

- 3.1.1 For the purpose of this section, a permit means an authorization in writing by the Authority having Jurisdiction to perform work regulated by this Bylaw and, in the case of an occupancy permit, to occupy any building or part thereof.
- 3.1.2 A building permit or plumbing permit, or both, is required prior to the commencement of work, whenever work regulated by this Bylaw is to be undertaken.
- 3.1.3 An occupancy permit is required:
 - (a) To allow the occupancy of a building or part thereof, or,
 - (b) When the occupancy of a building or part thereof is changed.
- 3.1.4 (a) Except as provided in Sentence 2, a building shall not be constructed, demolished, removed, or relocated unless a building permit to do so has been obtained, and
 - (b) A building permit is not required for maintenance work such as painting, residing or re-roofing with similar products.
- 3.1.5 (a) Except as provided in sentence (2), a plumbing system shall not be constructed, installed, extended, altered, renewed or repaired, or connected to a Municipal sewer, drain or water service, unless a plumbing permit to do so has been obtained.
 - (b) A plumbing permit is not required when a valve, faucet, fixture or service water heater is replaced or repaired, a stoppage cleared or a leak repaired if no change to the piping is required.
- 3.1.6 (a) Except as provided in sentence (2), a Plumbing Permit shall be issued only to a person holding a current Certificate of Proficiency in respect of the plumbing trade issued pursuant to the Apprenticeship and Tradesmen's Qualification Act of British Columbia or a permit exempting him/her from holding such certificate, or to the owner of a single family dwelling who furnishes for the Authority having Jurisdiction proof of property ownership and his/her knowledge and ability to perform the work covered by the application.
 - (b) A permit for the installation of drains and sewers outside a building may be issued to a sewer, drain, or general contractor.
- 3.1.7 Application fees and permits fees shall be as provided in Appendix A of this Bylaw.
- 3.1.8 Any person who begins construction of any building or structure before attaining the required permit shall be charged a fee in the amount of three times the fee which is payable under Appendix "A" of this Bylaw.
- 3.1.9 (a) Any residential building for which construction was completed between the dates of 1983 through 1998 and which experienced building envelope failures, requiring repairs in excess of \$2,000.00 per unit for multi-family and \$10,000 for single family units or duplexes shall pay a refundable deposit equating to the Town's Building Permit fees for repairs for damages caused by the premature envelope building failure,

- (b) This deposit will be refunded in full upon receipt of a statutory declaration by the designated engineer or contractor that the project is completed and the repairs were due to premature building envelope failure and not simply related to maintenance. The Building Envelope Specialist must also give certification verifying the amount of repairs, and
- (c) All other requirements of this Bylaw shall be adhered to.

SUBSECTION 3.2 APPLICATION FOR PERMIT:

- 3.2.1 To obtain a permit the owner shall file an application in writing on a prescribed form.
- 3.2.2 (a) All drawings, plans and specifications shall:
 - i. Bear the name, address and telephone number of the designer, and
 - ii. Contain all design criteria, specifications, calculations and other pertinent information necessary to verify compliance with this and other bylaws, the Building Code and other applicable enactments.
- 3.2.3 Except as otherwise allowed by the Authority having Jurisdiction, every application shall:
 - (a) Be signed by the owner or his/her agent,
 - (b) State the intended use or uses of the building,
 - (c) Submit two sets of drawings, to an acceptable scale showing the following minimum information:
 - i. The dimensions of the building,
 - ii. The proposed use of each room or floor area,
 - iii. A site plan of the land on which the building is, or is to be, situated complete with building setbacks, proposed driveway, easements, covenants, right-of-way, and all trees on site and boulevard with drip line,
 - iv. The grades and elevations of the streets and Municipal services abutting the land referred to above,
 - v. The position, height and horizontal dimensions of all buildings on the land referred to above complete with existing natural grade and finish grade,
 - vi. When required by the Authority having Jurisdiction a land survey by a registered British Columbia Land Surveyor,
 - vii. The technical information specified in this or other bylaws required to be included on the drawings, and,
 - viii. Such other information as is necessary to illustrate all essential features of the design of the building.
 - (d) For all applications except for one or two family dwelling unit projects, the application shall also be accompanied by:
 - i. 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,
 - ii. A sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe,

- iii. Letters of Assurance by registered professional and the owner, and,
 - iv. Any and all other information necessary to establish compliance with this Bylaw.
- 3.2.4 (a) A permit shall expire and the privileges of an owner under the permit shall terminate if:
- i. The work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit,
 - ii. Work is suspended for a period no longer than six (6) months,
 - iii. The building has not been completed at the end of a twelve (12) month period following permit issuance, or
 - iv. An extension has not been given.
- 3.2.5 A permit may be extended up to twelve (12) months if the extension is requested in writing prior to the expiration of the permit and the required permit extension fee is paid.
- 3.2.6 In order to complete a project, where a permit has expired, a new permit must be obtained and new permit fee paid based on the value of the work remaining.
- 3.2.7 Any revisions to the original application described above shall be made in the same manner as for the original permit.
- 3.2.8 Where the proposed work includes two or more physically separated buildings, a separate permit shall be obtained for each building.

SUBSECTION 3.3 APPROVAL IN PART:

- 3.3.1 Where, in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans and specification covering the portion of the work for which immediate approval is desired shall be filed with the Authority having Jurisdiction.
- 3.3.2 Should a permit be issued for part of a building, it shall be on the condition that the owner agrees to accept full responsibility for any loss or damage or expense that may arise if the permit for the entire building is not issued or is not issued in the form requested.

SECTION 4 ADDITIONAL REQUIREMENTS:

- 4.1.1 Any registered professional responsible for inspection or review of any portion of the work, upon request, shall make copies of all inspection or review reports available to the Authority having Jurisdiction.
- 4.1.2 Any registered professional responsible for the foundation review shall prepare and sign a report of each review and send it to the Authority having Jurisdiction as soon as practical.
- 4.1.3 Any registered professional responsible for any other inspection or review, which the building Inspector asks for, shall be submitted along with the appropriate Schedules for inspection and review.

- 4.1.4 Any Complex building or new building over 600 square metres, containing more than four residential units or is greater than two stories in building height shall require a certified Building Envelope Professional which will detail the environmental separation that demonstrates that the proposed construction conforms to the Building Code requirements for restricting entry of rain into the wall assembly and conforms with good practice, such as described in the current editions of the Best Practice Guide developed for Canada Mortgage and Housing (CMHC) and published as of the date of this Bylaw.
- 4.1.5 Any retrofit of an existing building with environmental separation, which is being repaired, the repairs shall be as set out under 4.1.4.

SUBSECTION 4.2 INSPECTION AND TESTING OF PLUMBING SYSTEMS:

- 4.2.1 Where a plumbing permit is required, the system shall not be put into use until it has been reviewed and tested to the satisfaction of the Authority having Jurisdiction.
- 4.2.2 The plumbing contractor shall notify the Inspection Department when the work is complete and ready to be reviewed and tested.
- 4.2.3 The plumbing contractor shall furnish any equipment, material, power or labour that is necessary for inspection or testing.
- 4.2.4 If any part of a plumbing system is covered before it has been reviewed and accepted by the Inspector, it shall be uncovered as so directed by the Inspector.
- 4.2.5 If any part of a plumbing system is not accepted by the Inspector after it has been reviewed or tested, the owner or plumbing contractor shall make any alterations or replacement that is necessary, and the work shall be subject to a further inspection or testing.
- 4.2.6 The Inspector may inspect an existing plumbing system and, where there is reason to suspect that the system is not satisfactory, order it to be tested and if necessary rectified.

SUBSECTION 4.3 MUNICIPAL REQUIREMENTS FOR PLUMBING SYSTEMS:

- 4.3.1 Every connection to a sanitary sewer or storm sewer service shall be fitted at the property line with an acceptable inspection chamber to enable inspection and cleaning to the main. The cleanout shall extend with a “wye” fitting to the surface vertically and shall be provided with a cap.
- 4.3.2 Unless approved by the Director of Engineering and Works, not more than one service connection for water, storm sewer, or sanitary sewer shall be provided to any one building or property.
- 4.3.3 Where a building is deconstructed, demolished or removed from its site, the sanitary and storm sewer systems connections shall be provided with a watertight cap or plug and the location marked as required by the Authority having Jurisdiction. Water connections shall be terminated at the main. Such cappings or removals shall be performed only by Municipal employees or inspected by the Public Works Department at fees specified in this Bylaw.
- 4.3.4 The installation of irrigation systems shall comply with British Columbia Plumbing Code and a plumbing permit is required.

- 4.3.5 The installation of underground water, sewer and drain systems on private property from the exterior of a building to the property line in respect of developments other than single family or two family dwellings shall, in addition to complying with the Building Code, comply with the specification set out in the Subdivision Bylaw for such systems within subdivisions.
- 4.3.6 Where Fire hydrants are required on private property they will be installed at the owners expense. Once installed the Town shall receive an easement over the line and the fire hydrant. The Town shall maintain the fire Hydrant and submit a bill for the maintenance of the hydrant to the owner of the property.
- 4.3.7 Every suite, as defined by the B.C. Building Code, shall have its own water meter which will be installed in accordance with the manufacturer's and the Town of Sidney's specifications. The water meter will be purchased from the Town by the owner of the property and installed by a qualified plumber.
- 4.3.8 Where the Manager of Engineering and Technical Services gives written permission to allow the storm drain system to drain directly into the ocean, the drainage system shall have an oil / silt interceptor placed between the connection of the last fixture and prior to the actual outfall.
(amendment 01)
- 4.3.9 Every water connection to a property or building shall have a backflow prevention device (check valve assembly) installed to prevent the occurrence of backflow into the Municipal water system. Installation, testing and maintenance of backflow prevention devices shall comply with the current Capital Regional District Cross Connection Control Program Policies, Procedures and Specifications and this Bylaw.

SUBSECTION 4.4 PLUMBING FIXTURES:

- 4.4.1 Every installation of a new toilet in the Town of Sidney shall be of a type meeting the criteria for the Ultra Low Flow toilets using a maximum of 6 litres per flush.

SUBSECTION 4.5 SWIMMING POOLS:

- 4.5.1 Every application for a building permit for a swimming pool shall be accompanied by a plan showing the location of the proposed pool and all water supply piping, waste supply piping and all related fittings.
- 4.5.2 Swimming pool wastewater shall discharge into a sanitary sewer system.
- 4.5.3 No direct connection shall be made between any storm drain, sewer or any other drainage system and any line connected to a swimming pool.
- 4.5.4 The enclosure, protection and sanitation of private swimming pools for dwellings and apartments shall be the responsibility of the owner of the property.

SUBSECTION 4.6 DESIGN DATA:

4.6.1 Design data for the buildings in the Town of Sidney are as follows:

Climatic Data:

- i. Design Temperature:
 - January 2.5% -6 C
 - July 2.5%
 - Dry bulb Temperature 26C
 - July 2.5%
 - Wet bulb Temperature 18C
- ii. Precipitation:
 - One Day Rainfall 102mm
 - Snow Ground Snow Load 1.6kn/m²
- iii. Hourly Wind Pressures:
 - Probability 1/10 46kn/m²
 - Probability 1/30 55kn/m²
 - Probability 1/100 66kn/m²
- iv. Seismic:
 - Zone 5
 - Velocity Ratio .3

SUBSECTION 4.7 REQUIRED SITE SERVICES:

4.7.1 As a condition of issuance of a Building Permit, the owner of land which is being developed shall meet the specification of the subdivision standards for on-site works and shall ensure:

- (a) That the road within a road allowance is sufficient strength, grade and width to provide ready access to the buildings by fire and other emergency vehicles at all times,
- (b) That the Town can supply sufficient water service for the use of the property or building,
- (c) That the Town can supply sufficient sewer service for the use of the property or building, and
- (d) That an approved method of storm drainage disposal has been installed to service the building and property.

4.7.2 Where a required access route is provided by a private roadway serving more than one dwelling unit, the access road shall be designed to:

- (a) Have clear width of at least 4.6 metres in width,
- (b) Have an overhead clearance of at least 4.3 metres,
- (c) Have a grade not exceeding 15%,
- (d) Be connected to a public street or thoroughfare, and
- (e) Be built to sufficiently support firefighting equipment and be surfaced with concrete, asphalt, or other material designed to permit accessibility under all climatic conditions.

4.7.3 Where required the owner shall provide the Town with Fire Flows from a Professional Engineer.

SUBSECTION 4.8 REQUIRED WORKS AND SERVICES TO BE COMPLETED OFF-SITE:

4.8.1 Where an application for permit has been made, the Authority having Jurisdiction may as a condition of the issuance of a building permit require the owner of the land provide works and services on a highway immediately adjacent to the site being developed, in the following manner. All work shall be in accordance with the Town of Sidney specifications.

- | | |
|-------------------------------------|-----------------------------------------|
| (a) Road Widening and Base Pavement | (f) Improved Boulevard |
| (b) Pavement | (g) Water Main System and Appurtenances |
| (c) Curb and Gutter | (h) Sanitary Sewer System |
| (d) Sidewalk | (i) Storm Drainage System |
| (e) Street Lighting | |

4.8.2 (a) All works and services required pursuant in this subsection shall be constructed, upgraded or installed at the expense of the owner of the land prior to the issuance of a Building Permit.

4.8.2 (b) The owner may deposit with the Town an irrevocable letter of credit in favour of the Municipality in the amount of 115% of the estimated cost of the works and services, and the owner may do the works and services during the time of construction.

4.8.3 The value of works required to be done shall not exceed a maximum of Fifteen (15%) percent of the value of the Building Permit, or when the work is not required, the fee may be reduced accordingly.

4.8.4 Every owner of land being developed shall provide or upgrade all works and services on the site being developed, and along the entire length of the frontage of any highway adjacent to the site in accordance with standards and specifications of the bylaws of the Town of Sidney.

4.8.5 The owner may request in writing not to do the work at the time of development and have the Municipality to do the work as part of the 20-year maintenance plans. Should this occur, the Town would put the money in the 20-year reserve plan for the project.

4.8.6 The Director of Engineering and Works may determine some works are not required. As an example, If the highway has been paved in the previous five years and there is no service cuts required over the asphalt highway the Director may waive the fees .

SUBSECTION 4.9 OTHER SERVICES REQUIRED:

4.9.1 Every new electrical service to a property, or if an extra dwelling unit is established on a property, the owner of the property shall place the electrical service underground to the nearest acceptable power service.

SECTION 5 **FIRE ZONES:**

SUBSECTION 5.1 **FOR THE PURPOSES OF REGULATING THE CONSTRUCTION OF CERTAIN BUILDINGS FOR PRECAUTION AGAINST FIRE:**

- 5.1.1 For the purpose of this section of the Bylaw, Building Area means the greatest horizontal area of a building above grade within the outside surface of exterior walls.
- 5.1.2 Fire Sprinklers are required to be installed in newly constructed buildings in Fire Limit Areas where such buildings exceed 600 m² in building area, exceed three storeys in building height, or have more than five (5) dwelling units within one (1) building.
- 5.1.3 Fire sprinklers are required to be installed in existing buildings in Fire Limit Areas where the actual additions of a building are equal to or greater than 25% of the present building and where the area of the building is currently 500m² or greater in building area.
- 5.1.4 Fire sprinklers are required to be installed in existing buildings in Fire Limit Areas where the actual additions of a building is equal to or greater than 50% for buildings other than those proposed in Section 5.1.3 where the aggregate building area is over 600m² on completion.
- 5.1.5 Fire Sprinklers shall be installed in accordance with the British Columbia Building Code Regulations and National Fire Protection Association Standards for the Installation of Fire Sprinklers (NFPA 13, NFPA 13D and NFPA 13R).

SECTION 6 **BUILDING MOVES:**

SUBSECTION 6.1 **BUILDING MOVES:**

- 6.1.1 No person shall move or cause to be moved a building into the Municipality or from one property to another in the Municipality without first obtaining a permit to carry out such move and where necessary the rehabilitation of the building on the property to which it is to be moved.
- 6.1.2 Prior to moving a building into the Municipality, the owner must submit to the Town letter of from a Professional Engineer for structural, and electrical stating that:
 - (a) The building will meet a life expectancy of more than twenty years.
 - (b) The building meets the B.C. Building Code with respect to the existing structure.
- 6.1.3 A permit as required under this section shall only be issued for a building provided after certified cheque or irrevocable Letter of Credit in favour of the Municipality for one thousand (\$1000.00) dollars per building being moved has been provided. The deposit is to secure payment for injury to, destruction, defacement, disturbance or deposit of material on Municipal property. The Authority having Jurisdiction may apply the deposit towards making good any injury, destruction, defacement, disturbance to Municipal property and cleaning of Municipal property due to deposit of material. Nothing in this clause shall prevent the Town of Sidney from recovering for injury or damage in excess of the deposit.

SECTION 7 OFFENSES AND PENALTIES:

SUBSECTION 7.1 OFFENSES AND PENALTIES:

- 7.1.1 No person shall do, act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- 7.1.2 Every person who, without lawful excuse, contravenes this Bylaw by willfully doing any act which it forbids or omitting to do any act which it requires to be done, is guilty of an offense and is liable, on summary conviction, to a fine of not less than one hundred (\$100.00) dollars. A separate offense shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 7.1.3 The penalties imposed under the previous section, shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

SECTION 8 REPEAL OF BYLAW:

SUBSECTION 8.1 REPEAL OF BYLAW:

- 8.1 Building and Plumbing Bylaw 1190 and amendments thereto are hereby repealed.
- 8.2 This Bylaw shall come into effect when finally adopted.

Read a first time the	10 th	day of	November, 2003.
Read a second time the	10 th	day of	November, 2003.
Read a third time the	10 th	day of	November, 2003.
Reconsidered and finally adopted the	24 th	day of	November, 2003

MAYOR

CORPORATE ADMINISTRATOR

(amendment 01) Bylaw No. 1910, October 10, 2006
(amendment 02) Bylaw No. 1961, April 27, 2009
(amendment 03) Bylaw No. 1987, September 13, 2010

APPENDIX "A"

SCALE OF FEES

BUILDING PERMIT:

1. The charge for permits issued in accordance with this bylaw, shall be based on the value of construction as determined by the Authority Having Jurisdiction and the fee shall be calculated in accordance with the following scale:
 - (a) For permits \$ 1000.00 or less in value \$50.00
 - (b) For permits in excess of \$1000.00 value
the fees shall be \$50.00 for the first thousand, plus \$13.00 per thousand or part thereof for the next \$99,000., plus \$11.00 per thousand or part thereof for the next \$400,000. and \$9.00 per Thousand in excess of \$500,000.
 - (c) For extension of permits Nil for applications submitted on or before April 30, 2010. \$50.00 effective May 1, 2010.
 - (d) Application Fee, non-refundable, including in Building Permit Fee:
For permits with values of construction \$5,000. or less \$25.00
For permit with value of construction in excess of \$5,000. \$75.00
Notwithstanding the foregoing, for permits that are solely for the alteration of a building to enable the use of a portion of the building as a secondary suite (as that term is defined in Town of Sidney Zoning Bylaw 1660) and for permits that are solely for alterations to the exterior of a commercial building, including signs, Application Fees are nil for applications submitted on or before April 30, 2010.
 - (e) For buildings outlined in this bylaw for premature building failure a refundable deposit for the amount of Building permit outlined in Appendix "A" Section 1 (a) to (b) shall be collected.
 - (f) Notwithstanding paragraphs (a) and (b) above, for permits that include alterations to the exterior of an existing commercial building, including signs, the value of construction with respect to the alteration only shall, for the purposes of determining the permit fee amount under paragraphs (a) and (b), be deemed to be zero for applications submitted on or before April 30, 2010.
 - (g) Notwithstanding paragraphs (a) and (b) above, for permits that are solely for the alteration on an existing building to enable the use of a portion of the building as a secondary suite, permit fees are nil for applications submitted on or before until April 30, 2010.
2. The value of construction excluding land shall be the greater of:
 - (a) The contract price including taxes and a reasonable allowance for extras, or,
 - (b) The value as determined by the Authority having Jurisdiction based on fair market value.
3. The fee for a permit to wreck, demolish or remove a building from a lot shall be two point five (2.5%) percent of the assessed building value as established by the most recent assessment records supplied to the Town by the British Columbia Assessment Authority plus other deposits and fees as required.

- 4. The fee for a permit to move a building onto or off a site excluding any improvements on the site shall be \$250.00.
- 5. The fee for a deconstruction permit on site shall be \$250.00
- 6. Re-inspection fees: \$25.00 plus G.S.T
- 7. Permit for excavation \$50.00

PLUMBING PERMIT FEES::

1. PLUMBING FIXTURES:

- (a) For the installation of each Plumbing Fixture arm:
 - i. For each fixture arm 1 to 10 inclusive \$15.00
 - ii. For each additional fixture arm over 10 10.00
 - iii. For any alteration or replacement of a fixture 5.00
 - iv. For installation of up to 5 internal roof leaders 20.00
 - v. For each additional internal roof leader 5.00
 - vi. Hot Water Storage Tank 15.00
 - vii. Floor Drain for Hot Water Tank 5.00

2. SEWER CONNECTIONS:

- (a) Building storm drain or sanitary sewer to property line for the first twenty feet and \$0.50 for each additional ten feet 30.00
- (b) For Manholes and/or Interceptors 40.00

3. FIRE PROTECTION EQUIPMENT:

- (a) Sprinklers systems 1 to 8 sprinkler heads 25.00
- (b) Each additional 10 heads over 8 20.00
- (c) Standard hose outlet 25.00
- (d) Fire Hydrants 50.00

- 4. Residential/Commercial Irrigation System 50.00
- 5. For installation of special equipment not list above 30.00

FIREPLACE, CHIMNEYS AND SOLID FUEL BURNING APPLIANCES FEES:

- 1. Chimney or Flue 25.00
- 2. Masonry Fireplace 25.00
- 3. Solid fuel burning stove, range, furnace, boiler or space heating appliance 25.00