



# Town of Sidney

# Building Regulations

# Bylaw No. 2016

(Consolidated)

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**Bylaw Number 2016**  
**14 May 2012**

**Amended up to and including**  
**Amendment Bylaw Number 2127**

**Consolidated for Convenience only**  
**16 September 2019**

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|-------------|--|
| Amendment 1 | Bylaw No. 2023 – To add regulations regarding Hazardous Materials                        |
| Amendment 2 | Bylaw No. 2040 – Housekeeping amendments   |
| Amendment 3 | Bylaw No. 2046 – Additional Lateral Load requirements                                    |
| Amendment 4 | Bylaw No. 2051 – To add regulations regarding Solar Hot Water regulations                |
| Amendment 5 | Bylaw No. 2060 – To modify regulations regarding Sign Permit requirements                |
| Amendment 6 | Bylaw No. 2074 – Housekeeping amendment and change to Demo Permit fees                   |
| Amendment 7 | Bylaw No. 2127 – To modify water meter requirements for affordable rental dwelling units |
| Amendment 8 | Bylaw No. 2179 – To add regulations regarding excavation permit                          |



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**TOWN OF SIDNEY**

**BYLAW NO. 2016**

**A BYLAW TO REGULATE BUILDING CONSTRUCTION AND OTHER MATTERS RELATING TO BUILDINGS AND STRUCTURES**

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**WHEREAS** Part 2, Division 1, Section 8(3) of the Community Charter authorize the Town of Sidney to, by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures for, among other things, health, safety and the protection of persons and property;

**AND WHEREAS** the Province of British Columbia has adopted a Provincial Building Code for British Columbia governing standards in respect of the construction, alteration, repair and demolition of buildings;

**NOW THEREFORE**, the Council of the Town of Sidney in open meeting assembled enacts as follows:

**SECTION 1 SCOPE, PURPOSE AND DEFINITIONS:**

**1.1 CITATION:**

1.1.1 This Bylaw may be cited for all purposes as "**Building Regulation Bylaw No. 2016**".

**1.2 SEVERABILITY:**

1.2.1 The provisions of this bylaw are severable and the invalidity of any provision of this bylaw shall not affect any other provision of this bylaw.

**1.3 EXEMPTIONS:**

1.3.1 This bylaw does not apply to buildings or structures to which the Building Code does not apply, except where expressly provided for under this bylaw.

**1.4 PURPOSE OF BYLAW:**

1.4.1 The Town has enacted this Bylaw for the health, safety and protection of persons and property.

1.4.2 The activities taken by or on behalf of the Town pursuant to this Bylaw are for the purpose of providing limited inspections and interim spot-checking function for the foregoing purposes and the Town, by enacting this Bylaw, and Town's officers, employees, contractors and agents in administering and enforcing this Bylaw:

- (a) do not assume any responsibility for ensuring the compliance by any person with the Building Code, the requirements of this Bylaw or any other applicable enactments;
- (b) do not provide to any person any representation or warranty with respect to the design or workmanship of any building or structure; or
- (c) provide to any person any representation, warranty or other assurance that any work undertaken pursuant to a Permit is free from any defects or complies with this Bylaw, the Building Code or any other applicable enactments.

## 1.5 DEFINITIONS:

1.5.1 The words and terms used in this Bylaw that are defined in the Building Code shall have the same meaning in this Bylaw as under the Building Code unless otherwise defined in this bylaw.

1.5.2 Words or phrases used in this Bylaw that are not defined under Section 1.5.3 and are not defined under the Building Code shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw, consistent with the specialized use of words and terms within the various trades and professions to which the terminology applies.

1.5.3 In this Bylaw:

**Agent** means a person representing an owner by designation or contract.

**Affordable rental dwelling unit** means a rental dwelling unit whose rental rate is restricted by a Housing Agreement registered on the title of the property upon which it is constructed.

**Building Code** means the British Columbia Building Code, as amended or replaced from time to time.

**Building Official** means Building Officials, plan checkers and plumbing inspectors designated by the Town.

**Complex Building** means:

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

**Construction Management Plan** means a plan prepared and approved under Section 3.3.1(d).

**Council** means the Council of the Town of Sidney.

**Director of Engineering and Works** means Director of Engineering and Works for the Town or his or her successor in function.

**Owner** means the person or persons shown as the registered owner or owners of a site in the applicable Land Title Office.

**Parcel** means any lot, block or other area in which land is held or into which it is subdivided.

**Plumbing system** means a drainage system, a venting system and a water distribution system or parts thereof.

**Permit** means any permit required or issued under this bylaw.

**Seawall** means a retaining wall, located wholly on private property, which is designed to prevent the erosion of the natural boundary.

**Site** means a parcel or parcels on which an activity to which this bylaw applies is to take place, is taking place or has taken place, as the case may be.

**Standard Building** means a building that is three storeys or less in building height, having a building area not exceeding 600 square metres 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 structure of any kind, whether fixed to, supported by or sunk into land, water or a building or other structure, including seawalls, tanks, swimming pools, docks, wharves, canopies, and awnings, but excluding landscaping and paving and retaining structures other than seawalls less than 1.2 metres in height.

**Subdivision and Development of Land Bylaw** means Town of Sidney Subdivision and Development of Land Bylaw No. 1390, 1997 as amended or replaced from time to time.

**Swimming Pool** means any structure 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, excluding hot tubs.

**Town** means the Town of Sidney.

## **SECTION 2 GENERAL RESPONSIBILITIES OF OWNERS AND BUILDING OFFICIAL POWERS**

### **2.1 GENERAL PROHIBITIONS AND OWNER RESPONSIBILITIES:**

- 2.1.1 No person shall commence or continue to excavate a site if there are trees on the site or on properties directly adjacent, including Town property, unless the Town's Superintendent of Parks has been notified in writing of the proposed excavation.
- 2.1.2 Every owner shall confirm that water, sewer and storm services are available and at adequate depth and capacity to serve the work proposed to be done on a site and that the plumbing is constructed to meet these services.
- 2.1.3 Every owner shall notify the Building Official of the name, contact information and address of the constructor or other person in charge of the activities in respect of which a permit is issued and shall immediately notify the Building Official of any change to the person in charge.
- 2.1.4 When required by a Building Official, an owner shall obtain and submit to the Building Official the results of such tests, inspections and reports as may be required by the Building Official in order to determine compliance with this Bylaw and the BC Building Code.

2.1.5 Every owner shall provide to the Building Official a survey of the building foundation by a British Columbia land surveyor after the foundation is completed, and prior to framing inspection. The Building Official may waive this requirement for accessory buildings or structures when it is deemed that setbacks and lot coverage are not an issue.

2.1.6 When required by a Building Official, an owner shall provide to the Building Official a building height survey of the building by a British Columbia land surveyor, to ensure compliance with Town bylaws or applicable covenants respecting building height.

## **2.2 BUILDING OFFICIAL POWERS:**

2.2.1 If a Building Official determines that work has been covered contrary to an inspection or field review required under Section 6 of this Bylaw or an order issued by a Building Official under this Bylaw, the Building Official may require the owner of the site to uncover and replace such work, at the owner's expense.

2.2.2 If a Building Official requires that a person do something pursuant to a provision of this Bylaw, the person who is the subject of the requirement shall comply with the requirement.

2.2.3 In accordance with any applicable requirements under the *Community Charter*, a Building Official may, for the purposes of administering, ascertaining compliance with and enforcing this Bylaw, enter onto and into property including without the consent of the owner or occupier of the property.

2.2.4 A Building Official may require an owner to correct or cause to be corrected any work that is not done in accordance with this Bylaw or the BC Building Code.

## **SECTION 3 PERMITS, FEES, SECURITY & VALUATION**

### **3.1 REQUIRED PERMITS:**

3.1.1 A permit is required whenever work regulated under this bylaw is to be undertaken. Every person shall apply for and obtain the following:

- (a) Building Permit before excavating, constructing, repairing or altering a building or structure;
- (b) Blasting Permit before the start of any blasting on a construction site within the Town;
- (c) Seawall Permit prior to construction of a new seawall, or remediation of an existing seawall;
- (d) Demolition Permit before demolishing a building or structure or part thereof, or moving a building or part thereof from a site within the Town;
- (e) Moving Permit before moving a building or structure within the Town;
- (f) Plumbing Permit prior to commencing the installation or alteration of any plumbing system or part thereof;
- (g) Fence Permit prior to the construction of a new fence around a swimming pool;
- (h) Pursuant to Section 4.2 of the Town of Sidney Sign Bylaw No. 2058, a Building Permit may be required for signs requiring a structural engineer, as determined by the Senior Building Official; and
- (i) Solid Fuel Appliance/Chimney Permit prior to the construction or alteration of a masonry fireplace or the installation of a solid fuel appliance or chimney;
- (j) Excavation Permit prior to commencing any excavation on a site where no construction of buildings is associated with the planned excavation;



- 3.1.2 Notwithstanding anything to the contrary in this Bylaw, a permit is not required for:
- (a) minor repairs to non-structural components or maintenance of the building including, but not limited, to installation of cabinets, cupboards, painting, re-roofing and roofing repairs; or
  - (b) minor plumbing repairs or removal/replacement of fixtures in Single Family Dwellings.

**3.2 FEES, SECURITY & VALUATION:**

- 3.2.1 The owner of the site in respect of which a permit application is to be made shall pay, at the time the permit application is submitted, all applicable plan processing fees payable under this bylaw and the permit application will not be accepted or processed by the Town unless the applicable plan processing fees are paid at the time the application is submitted.
- 3.2.2 The owner of the site in respect of which a permit application is made shall pay, prior to the issuance of the permit, all permit fees and required security(s) payable under this bylaw.
- 3.2.3 If a permit application is submitted to the Town, but the supporting documents required under this bylaw are not provided or the permit fee is not paid to the Town within 180 days of the date the application is submitted, the application shall be cancelled and the Town shall not refund any plan processing fees that have been paid to the Town with respect to the application.
- 3.2.4 If a permit application is cancelled pursuant to Section 3.2.3 of this Bylaw, the Town shall have no obligation to retain or return any documents or other materials submitted with the application and may destroy such documents and materials.
- 3.2.5 The permit fees, plan processing fees and other fees payable under this Bylaw are set out in Appendix "A" of this bylaw and are hereby established.
- 3.2.6 Where the amount of any fee or security to be paid or provided to the Town under this Bylaw is based on the value of the permit, the value of the permit shall be the total current monetary value of all work to be done under the permit, including where such work is provided by the owner or voluntarily by others, and shall include:
- (a) any preparation and civil work including excavation and the use of hoisting, pile driving, compaction or erection devices;
  - (b) any design, document preparation, investigative testing, consulting services, construction labour and management, contractor's profit and overhead, sales taxes and construction insurance; and
  - (c) any mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form.
- 3.2.7 The owner of the site in respect of which a permit application is made shall submit with the application an estimate of the value of the permit calculated in accordance with Section 3.2.6(a), (b) and (c). If a Building Official calculates the value of the permit to be greater than the amount submitted by the owner, the value shall be as calculated by the Building Official unless the owner causes a British Columbia registered quantity surveyor to calculate the permit value in accordance with Section 3.2.6, (a), (b) and (c) in which case the quantity surveyor's valuation shall be used as the valuation.

### **3.3 ISSUING PERMITS:**

- 3.3.1 A Building Official may issue a permit for which an application is made if all of the following requirements have been met:
- (a) an application, completed in accordance with the requirements of this bylaw and including all required supporting documentation required under this bylaw, has been received by the Town;
  - (b) all fees and securities payable under this bylaw with respect to the permit have been received by the Town;
  - (c) the Building Official is satisfied based on the application and the supporting documentation submitted with the application that the proposed work set out in the application conforms to the Building Code and all applicable Town bylaws;
  - (d) if, prior to the issuance of the permit, a Building Official has required that a construction management plan be provided in connection with the permit, the required construction management plan has been provided and the plan has been approved in writing by the Building Official;
  - (e) if an enactment requires that something be done prior to the issuance of the permit, the requirements have been satisfied in accordance with the enactment, including any requirements respecting works and services under Sections 938 or 939 of the *Local Government Act* (British Columbia);
  - (f) the work is not prohibited under, and the Town is not authorized to withhold the permit pursuant to the terms of, any covenant under Section 219 of the *Land Title Act* in favour of the Town, any agreement with the Town or any Town bylaw;
  - (g) all requirements under the *Homeowner Protection Act* (British Columbia), have been satisfied; and
  - (h) all other requirements of this Bylaw that are to be satisfied prior to issuance of the permit have been satisfied.

### **3.4 PERMIT CONDITIONS:**

- 3.4.1 Neither the issuance of a permit, nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Town shall in any way relieve the owner, any agent of the owner, or any other person employed or engaged to provide any service in connection with the work under a permit from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and other applicable enactments.
- 3.4.2 Neither the issuance of a permit nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Town shall constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw or any other applicable enactments have been complied with.
- 3.4.3 No person shall rely upon any permit as establishing compliance with the Building Code, this bylaw or any other applicable enactments.
- 3.4.4 The issuance of a permit, the performance of an inspection or the review of plans, drawings, specifications or supporting documents shall not prevent a Building Official from enforcing any provision of this bylaw, including in relation to any error, omission or deficiency in work done under a permit or that was inspected by a Building Official or in any plans, drawings, specifications or supporting documents submitted to or reviewed by a Building Official.

- 3.4.5 A Building Official may require that a permit applicant submit a construction management plan setting out how matters of public safety, disturbance, inconvenience and other construction impacts will be addressed and mitigated, including but not limited to parking, fencing, trucking routes, traffic control, and tree protection. In determining whether to require a construction management plan, what matters to be addressed in the construction management plan, and whether to approve the construction management plan, the Building Official will consider the nature of the work for which a permit is sought, the likely impacts of that work, and the plan's adherence to Part 8 of the Building Code regarding safety measures for construction and demolition sites. For Standard buildings, a construction management plan must be provided when construction work impacts the statutory right of way and/or may result in a public safety concern as assessed by the Building Official.
- 3.4.6 A permit or renewed permit shall automatically expire after twelve (12) months from the date of issuance of the permit, unless the permit has expired pursuant to any other provision of this bylaw.
- 3.4.7 A Building Permit shall expire early and the privileges of an owner under the permit shall terminate:
- (a) if no construction of a nature significant enough to require an inspection under Section 6.2 or, in the case of complex building, to require the submission of a professional inspection or field review under Section 6.1, has been started within six (6) months from the date of issuance (being the date of receipt of payment) of the permit; or
  - (b) if construction is discontinued or suspended for a period of more than six (6) months as determined by the Building Official.
- 3.4.8 An owner or his or her agent may apply to a Building Official for an extension of the period set out under Section 3.4.7(a) and 3.4.7(b) where construction has not commenced or has been suspended or discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control, and the Building Official shall grant such extension where the Building Official is satisfied that such circumstances exist, for such period as such circumstances continue.
- 3.4.9 Without limiting any other provision of this Bylaw, a Building Official may refuse to issue a permit if:
- (a) the information submitted with the permit application is inadequate to determine compliance with, or is contrary to the provisions of this bylaw or the Building Code;
  - (b) the information submitted with the permit application is incorrect; or
  - (c) the work would authorize any building, work or occupancy that would not be permitted by this bylaw, any other Town of Sidney enactment, or the BC Building Code.
- 3.4.10 A Building Official may revoke a permit where:
- (a) there is a contravention of any term of the permit or this bylaw under which the permit was issued;
  - (b) there is a contravention of any provision of the Building Code, Plumbing Code or BC Fire Code;
  - (c) the requirements under the *Homeowner Protection Act* referred to in Section 3.3.1(g) of this Bylaw are no longer satisfied in relation to the work under the permit;
  - (d) the permit was issued based on incorrect information supplied with the application or the Building Official determines that the permit was issued in error; or
  - (e) the work under the permit is at variance with the submitted permit application or any documents submitted with the permit application or the terms of a Development Permit issued with respect to the site under Section 920 of the *Local Government Act*.

3.4.11 A Building Official shall not issue a permit if the owner has outstanding fines or fees pursuant to this Bylaw, or any other bylaw enacted by the Town.

3.4.12 A Building Official shall not issue a permit for a Complex building until the property owner provides a copy of the completed Capital Regional District's Design Level Cross Connection Control Survey form.

### **3.5 PERMIT RENEWALS:**

3.5.1 Provision for renewal of a Building Permit or a Plumbing Permit shall be as follows:

- (a) be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation;
- (b) application for renewal must be made prior to expiry of the original permit;
- (c) the Building Permit or Plumbing Permit renewal shall be valid for a period of not longer than one year; and
- (d) no Building Permit or Plumbing Permit shall be renewed more than once.

3.5.2 An additional fee as set out in Appendix "A" shall be paid for renewal of a Building Permit or Plumbing Permit.

3.5.3 For clarity, in order to proceed with and complete work under a Building Permit that has expired or a renewed permit that has expired, a new Building Permit must be obtained in accordance with the requirements of this bylaw, including the payment of all fees, except that, for clarity, where an applicable fee or security amount is based on the value of work under the Building Permit the fee or security amount for the new Building Permit will be based on the value of work remaining to be done under the new Building Permit.

### **3.6 PROHIBITIONS:**

3.6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction unless a Building Official has issued a valid and subsisting permit for the work.

3.6.2 No owner or other person working at a site shall cause or allow any unsafe condition to arise or continue with respect to any work done under a permit.

3.6.3 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 Town and without complying with any other applicable Town bylaw requirements.

3.6.4 No person shall commence an excavation with a planned depth greater than 1.2 metres below existing grade or that will create a slope equal to or greater than 30 degrees to the underside of any adjacent structure, utility or property line, without first submitting certification from a qualified professional Engineer, and receiving acceptance from the Building Official. The qualified professional Engineer shall submit a letter in the form of Schedule B and follow-up letters in the form of Schedule C-B from the Building Code certifying that excavations for construction will meet requirements contained in Part 4 of the Building Code.

3.6.5 No person shall alter or allow the alteration of the ground elevations of a site in a manner that alters the final building or structure height determination pursuant to the Town of Sidney Zoning Bylaw as amended from time to time, except by means of drawings that have been

prepared and sealed by a professional Engineer and accepted by the Town of Sidney for construction.

3.6.6 No person shall alter or allow the alteration of the ground elevations of a site in a manner that adversely affects the drainage of adjoining properties.

3.6.7 No person shall contravene any provisions of a construction management plan.

3.6.8 No person shall contravene any condition as placed on a Building Permit by a Building Official.

## **SECTION 4 PERMIT APPLICATIONS**

### **4.1 BUILDING PERMIT APPLICATIONS FOR STANDARD BUILDINGS:**

4.1.1 An application for a Building Permit with respect to a standard building shall:

- (a) be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation;
- (b) include a permit application fee as set out in Appendix "A";
- (c) include a Fire Safety Plan, as prescribe in *Section 5.6 of the BC Fire Code*;
- (d) state the intended use or uses of the building(s);
- (e) ensure that all plans submitted with permit applications bear the name and address of the designer;
- (f) submit three sets of drawings (2 paper copies and 1 digital copy), to an acceptable scale showing the following minimum information:
  - i. a site plan drawn to scale showing:
    - the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - the legal description and civic address of the parcel;
    - the location and dimensions of all statutory rights of way, easements and setback requirements;
    - the location and dimensions of all existing and proposed buildings or structures on the parcel and the existing ground levels to an established datum at corners of the building or structure, to be provided by a registered British Columbia land surveyor;
    - setbacks to the natural boundary of any watercourse;
    - the geodetic elevation of the underside of the floor system, and the geodetic elevation of the ridge of the roof of a building or structure;
    - the location and specifics of existing and proposed site services, including water, sewer, storm, gas and hydro;
    - the location, dimension and gradient of parking and driveway access;
    - an additional site plan with the aforementioned requirements on 11"x 17" paper or a digital copy; and
    - all existing trees on the site and or trees on adjacent properties where the drip line of said trees overhang the subject property, and trees on adjacent municipal property. The site plan will identify the type and size of each tree, and state whether the tree is to be removed or retained.
  - ii. for all buildings other than single and two family dwellings, a site-servicing plan prepared and sealed by a British Columbia Registered Civil Professional. Site

servicing plans are not required for those Building Permit applications to alter or add to an existing building where such work will not affect the building's use, servicing or access requirements. The site servicing plan shall detail all existing and proposed works for the full frontage of the development site, including, but not limited to, the following:

- curbs, sidewalks, road works and boulevard trees;
  - all existing and proposed utilities and services;
  - proposed and redundant driveway crossings including driveway widths, grades and offsets from property lines;
  - sewer and drain services, including required service sizes;
  - water services (domestic and/or fire), including required service sizes;
  - hydro electric services (overhead and underground);
  - telephone services (overhead and underground); and
  - gas services.
- iii. floor plans showing the dimensions and uses of all areas including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; heating, ventilation and stair dimensions;
- iv. building elevations and/or sections indicating a geodetic elevation for the building height to a datum established by the requirements of the Town of Sidney Zoning Bylaw as amended from time to time;
- v. indicate the following information for the Solar Hot Water Ready Regulation:
- the area designated for the proposed solar collectors;
  - how the design meets structural requirements; and
  - location, size and material of conduits for future plumbing.
- vi. a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- vii. elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- viii. 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; and
- ix. comprehensive rain screen details, that pertains to buildings containing *Residential Occupancy*; and
- (g) Lateral Load information required on plans submitted for Building Permits;
- i. Indicate Seismic Region where proposed construction is located –From BCBC Table C---2 Appendix C Division B.
- ii. Indicate whether it is light or heavy construction, as per 9.23.13.2. and 9.23.12.3.
- iii. Indicate whether the design standard is BCBC Part 9, Part 4, or the CWC Guide.
- iv. On floor plans:
- suggest the use of grid lines to help confirm braced wall band alignment on each floor level, as well as cross sections;
  - all braced wall bands must be indicated and dimensioned (for example: by light shading);
  - centerline of all braced wall bands must be indicated; and
  - all braced wall panels must be indicated and dimensioned (for example, by darker shading, as per Table 9.23.13.5.).

- v. Cross sectional view must indicate:
  - braced wall bands are full storey in height and must be aligned with bands on the storeys below and above, as required by code;
  - the type of braced wall panel – wood or gypsum. For example, if wood sheathed braced wall panels are used on any floor, including basement, then wood sheathed panels are required throughout that brace wall band 9.13.13.6.(4);
  - fastener size and spacing for all sheathing, braced wall panels and non---braced walls, as per 9.23.3.5; and
  - anchorage size and spacing, for braced wall panels and non---braced wall panels areas (9.23.6.1.). Anchoring a braced wall panel to a slab is not considered adequate anchorage. BCBC 9.23.6.1. requires anchorage to be fastened to a foundation, even for interior braced wall panels.
- vi. Note any exceptions or trade-offs used in the design complete with dimensions. See 9.23.13.5. (3), 9.23.13.5. (4), 9.23.13.5. (4), 9.23.13.7. for options.
- vii. Provide calculations showing the percentage of braced wall panels in each braced wall band.

4.1.2 The Building Official may waive the requirements of Section 4.1.1, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.

4.1.3 For any renovation or alteration of a building constructed prior to 1990, the owner shall provide with the Building Permit application a Hazardous Materials Assessment and Clearance Letter prepared by a qualified professional.

4.1.4 Notwithstanding any other provisions of this bylaw or the Building Code, when in the opinion of the Building Official the proposed work requires specialized technical knowledge, he or she may require, as a condition of the issuance of a permit, that all drawings, specifications and plot plans, or any part of them, be prepared, signed and sealed by, and the construction carried out under the supervision of a registered professional specializing in the relevant field of design and construction.

## **4.2 APPLICATIONS FOR COMPLEX BUILDINGS:**

4.2.1 An application for a Building Permit with respect to a complex building shall:

- (a) be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing officer if the owner is a corporation;
- (b) include a permit application fee as set out in Appendix “A”;
- (c) include a Fire Safety Plan, as prescribed in Section 5.6 of the BC Fire Code;
- (d) include three sets of drawings (2 paper copies and 1 digital copy), at a suitable scale of the design prepared by each registered professional;
- (e) include architectural drawings that contain the following Code analysis information:
  - i. the applicable edition of the Code;
  - ii. whether the building is designed under Part 3 or Part 9;
  - iii. the major occupancy classification(s) of the building;
  - iv. the building area and building height;
  - v. the number of streets the building faces;
  - vi. limiting distances and unprotected opening calculations;
  - vii. the accessible entrance(s), work area(s) and washrooms; and
  - viii. the accessible facilities particular to the occupancy(s).

- (f) include a site plan prepared by a registered professional or British Columbia land surveyor showing:
  - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - ii. the legal description and civic address of the parcel;
  - iii. the location and dimensions of all statutory rights of way, easements and setback requirements;
  - iv. the location and dimensions of all existing and proposed buildings or structures on the parcel, to be provided by a registered British Columbia land surveyor;
  - v. the existing ground levels to an established datum at corners of the building or structure, the geodetic elevation of the underside of the floor system, and the geodetic elevation of the ridge of the roof of a building or structure;
  - vi. the location, dimension and gradient or parking and driveway access;
  - vii. setbacks to the natural boundary of any watercourse; and
  - viii. all existing trees on the site and or trees on adjacent properties where the dripline of said trees overhang the subject property, and trees on adjacent municipal property. The site plan will identify the type and size of each tree, and state whether the tree is to be removed or retained.
- (g) include a site-servicing plan prepared and sealed by a British Columbia Registered Civil Professional submitted with the Building Permit application. Site servicing plans are not required for those Building Permit applications to alter or add to an existing building where such work will not affect the building's use, servicing or access requirements. The site servicing plan shall detail all existing and proposed works for the full frontage of the development site, including, but not limited to, the following:
  - i. curbs, sidewalks, road works and boulevard trees;
  - ii. all existing and proposed utilities and services;
  - iii. proposed and redundant driveway crossings including driveway widths, grades and offsets from property lines;
  - iv. sewer and drain services, including required service sizes;
  - v. water services (domestic and/or fire), including required service sizes;
  - vi. hydro electric services (overhead and underground);
  - vii. telephone services (overhead and underground); and
  - viii. gas services.
- (h) include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows, floor, wall and ceiling finishes, plumbing fixtures, structural elements and stair dimensions;
- (i) include a cross section through the building or structure illustrating foundations, drainage, ceiling heights, and construction systems;
- (j) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grades;
- (k) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- (m) include letters of assurance in the form of Schedule A as referred to in Division C Part 2 of the Building Code, signed by the coordinating registered professional;



- (n) include letters of assurance in the form of Schedule B as referred to in Division C 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 a building or structure; and
  - (o) include a copy of the completed Capital Regional District's Design Level Cross Connection Control Survey form.
- 4.2.2 In addition to the requirements of this section, 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 sighting circumstances warrant:
- (a) any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaw and enactments relating to the building or structure.
- 4.2.3 All applications for a permit with respect to a complex building shall include the preparation and approval of a construction management plan in accordance with Section 3.4.5.
- 4.2.4 The Building Official may waive the requirements of Section 4.2.1, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.

#### **4.3 PROFESSIONAL PLAN CERTIFICATION:**

- 4.3.1 The letters of assurance in the form of Schedule A and Schedule B referred to in Division C Part 2 of the Building Code and provided pursuant to Sections 4.1.3, 4.2.1(m) and 4.2.1(n) of this bylaw are relied upon by the Town of Sidney 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.
- 4.3.2 A permit issued pursuant to this bylaw shall include a notice to the owner that the permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the permit comply with the Building Code and other applicable enactments relating to safety.

#### **4.4 BLASTING PERMITS & REGULATIONS:**

- 4.4.1 An application for a Blasting Permit shall be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation.
- 4.4.2 An applicant for a Blasting Permit must provide proof of a valid Provincial Blasting Certificate issued by Work Safe BC.
- 4.4.3 An applicant for a Blasting Permit must provide proof of liability insurance for the term of the permit with a minimum coverage of \$2,000,000 per occurrence and naming the Town of Sidney as an additional insured and including a provision requiring insurer notice to the Town if the policy is terminated, expires or materially modified.
- 4.4.4 A Blasting Permit shall expire and all rights under the permit shall terminate, 60 days after the date the permit is issued, unless revoked, cancelled or completed earlier.
- 4.4.5 A Building Official may revoke a Blasting Permit if the Town receives notice that the applicant's insurance policy has expired, been terminated or materially modified.

- 4.4.6 No person shall blast, carry on blasting operations, use an explosive agent or operate drills, compressors, excavators or other equipment used to prepare land for blasting, other than between the hours of 7:00 a.m. and 4:30 p.m., Monday to Friday, exclusive of statutory holidays.
- 4.5.7 No person shall blast, carry on blasting, or use an explosive agent without giving notice at least 24 hours before the activity commences to:
- (a) owners and occupants of any building within a radius of 100 metres of the blasting site;
  - (b) the School District Principal or person in charge of a school within a radius of 300 metres of the blasting site; and
  - (c) the Town of Sidney in writing, including the site location and site contact information.
- 4.4.8 No person shall blast, carry on blasting operations, use an explosive agent or operate drills, compressors, excavators or other equipment used to prepare land for blasting, unless steps have been taken to suppress dust which may occur as a result of the activity.
- 4.4.9 No person shall blast, carry on blasting or operate or use an explosive agent in dangerous proximity to any person, building or property, or the works of any underground utility liable to suffer injury or damage from blasting unless and until precautions have been taken to prevent injury to any person or damage to buildings, property or utilities.

#### **4.5 APPLICATIONS FOR A BUILDING PERMIT FOR A SEAWALL:**

- 4.5.1 Building Permit applications for the construction of a new seawall, or the remediation of an existing seawall shall:
- (a) be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation;
  - (b) include a permit application fee as set out in Appendix "A";
  - (c) include a copy of a current survey from a registered British Columbia land surveyor showing:
    - i. the existing natural boundary;
    - ii. the proposed seawall or remedial work;
    - iii. the location and description of any shoreline structures; and
    - iv. where there has been erosion or accretion, the natural boundary as per the plan of subdivision.
  - (d) include a report sealed by a professional engineer qualified to carry out seawall design and to assess geotechnical matters and shall include recommendations with regards to the following:
    - i. necessity of the proposed seawall;
    - ii. potential impacts to adjacent properties with or without the installation of a seawall;
    - iii. mitigation methods to reduce negative impacts to the natural environment and to adjacent properties;
    - iv. potential impacts to continued public access to the foreshore;
    - v. where the proposed works involve repairs to an existing seawall, the engineer shall evaluate potential negative impacts and make recommendations to mitigate these negative impacts;
    - vi. description of the construction details, materials and methods to be used including cross sectional drawings;
    - vii. supervision and inspection requirements of the proposed works;
    - viii. certify that the site is safe for the intended use; and

- ix. acknowledge that the Town of Sidney may rely upon the report when making a decision regarding the development of the land.
- (e) include Letters of Assurance from a registered Geotechnical Engineer;
- (f) include Letters of Assurance from a registered Structural Engineer;
- (g) include sealed drawings from a registered Structural Engineer;
- (h) include confirmation from Department of Fisheries and Oceans of notification of project; and
- (i) include a proposed work schedule, consistent with the work schedule submitted to Department of Fisheries and Oceans.

#### **4.6 DEMOLITION OF BUILDINGS:**

- 4.6.1 Applications for a Demolition Permit shall be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation.
- 4.6.2 Prior to the demolition of a building constructed prior to 1990, the owner shall provide with the Permit application a Hazardous Materials Assessment and Abatement Report prepared by a qualified professional.
- 4.6.3 Applications for a Demolition Permit shall include a Fire Safety Plan, as prescribed in *Section 5.6 of the BC Fire Code*.
- 4.6.4 Applications for a Demolition Permit may be subject to a construction management plan, and be approved by the Building Official.
- 4.6.5 Prior to a building being demolished or moved from a site within the Town, the sanitary and storm sewer system connections shall be provided with a watertight cap within a metre of the property line on the private property. Municipal staff shall inspect the disconnected services prior to the demolition work. Water service shall be disconnected by municipal staff.
- 4.6.6 When a Demolition Permit has been issued for the demolition of a building or part thereof, the permit holder must ensure that demolition is completed and the site cleared within:
  - (a) fourteen (14) calendar days for demolition of single and two family dwellings; or
  - (b) the timeline stipulated on the approved construction management plan.
- 4.6.7 Any safety measures required to protect the public under Part 8 of the Building Code, including but not limited to hoarding, guards, fences, screens, and barricades, must be erected to the satisfaction of the Building Official and remain in place until a Building Permit has been issued for the property.
- 4.6.8 The site of the demolition must be left in a safe, neat condition once the building has been demolished. Once the demolition is complete, the site must remain free from debris and its appearance must be compatible with neighbouring properties to the satisfaction of the Building Official.

#### **4.7 BUILDING MOVE PERMIT:**

- 4.7.1 Prior to moving a building or part of it to a site within the Town, the owner shall:
  - (a) make application for a Building Permit or Deconstruction Permit in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation;

- (b) ensure the contractor moving the building or part of it, make application for a Building Move Permit in the form prescribed by the Town, and receive the appropriate approvals from the Town for the move route within the municipality;
- (c) provide plans and specifications to the satisfaction of the Building Official detailing any and all upgrading required to meet the requirements of this bylaw, the Building Code and the British Columbia Electrical Code after the building is moved to a new site;
- (d) provide certification from a British Columbia registered professional that the building meets the requirements of this bylaw, the Building Code and the British Columbia Electrical Code after the building is moved to a new site;
- (e) provide an estimate from a British Columbia Registered Quantity Surveyor, indicating that when completed, the assessed value shall be not less than 110% of the average assessed values of all properties immediately abutting the subject site. The estimate shall be based on the drawings submitted for a Building Permit; and
- (f) provide to the Town a Hazardous Materials Assessment and Clearance Letter prepared by a qualified professional.

4.7.2 Prior to removing a building or part of it from the Town, the owner shall:

- (a) make application for a Demolition Permit in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation; and
- (b) ensure the contractor removing the building or part of it, make application for a Building Move Permit in the form prescribed by the Town, and receive the appropriate approvals from the Town for the removal route within the municipality.

4.7.3 It is the owner's responsibility when removing a building from a lot within the Town to undertake the following:

- (a) prior to a building being moved from a lot within the Town, the sanitary and storm sewer system connections shall be provided with a watertight cap within a metre of the property line on the private property. Municipal staff shall inspect the disconnected services prior to the demolition work. Water service shall be disconnected by municipal staff;
- (b) once the building has been removed from the property, the site shall be fenced with a 1.8 metre high security fence on property lines abutting a street(s) or public walkway. Said fence must be erected the same day the building is moved and must remain in place until a Building Permit has been issued for said property; and
- (c) once the building has been removed from the property, the site shall be left in a safe, neat condition, free from debris and compatible with neighbouring properties to the satisfaction of the Building Official.

#### **4.8 PLUMBING PERMIT:**

4.8.1 An application for a Plumbing Permit shall be made in the form prescribed by the Town and signed by the plumber.

4.8.2 Except as provided in 4.8.4 of this section, a Plumbing Permit shall be issued to a person:

- (a) that possesses a British Columbia tradesman's qualification certification as a plumber;
- (b) that is an indentured apprentice supervised by a journeyman possessing a British Columbia tradesman's qualification certification as a plumber; or
- (c) that is the registered owner of the single-family dwelling in which the plumbing work will occur, and subject to evidence being provided that the owner can satisfactorily complete the proposed work.

- 4.8.3 Isometric drawings for a plumbing system shall be required at the request of the Building Official.
- 4.8.4 A permit for the installation of perimeter drains and rainwater drain piping around the building may be issued to a general contractor.
- 4.8.5 The Building Official shall issue a Plumbing Permit upon receiving the specified fee as provided for in Schedule "A".
- 4.8.6 No part of any plumbing system, including perimeter drains, shall be covered until it is inspected and approved. If any part of a plumbing system is covered before inspection and approval, upon direction of the Building Official it shall be uncovered in order for the inspection to be completed.
- 4.8.7 Where approval is required and has been issued in respect of various stages of a plumbing installation, a final inspection and approval in writing from the Building Official shall be required before the whole of the installation may be placed in service.

#### **4.9 SWIMMING POOLS:**

- 4.9.1 Applications for a Building Permit for a swimming pool shall be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation.
- 4.9.2 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.
- 4.9.3 Swimming pool wastewater shall discharge into a sanitary sewer system.
- 4.9.4 No direct connection shall be made between any storm drain, sewer or any other drainage system and any line connected to a swimming pool.
- 4.9.5 There shall be no direct connection between any potable water supply line and any circulating pump, filter or other device that comes in contact with pool water.
- 4.9.6 The enclosure, protection and sanitation of private swimming pools for dwellings and apartments shall be the responsibility of the owner of the property.

#### **4.10 SOLID FUEL APPLIANCE AND CHIMNEY PERMIT:**

- 4.10.1 Applications for a Solid Fuel Appliance or Chimney shall be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation.
- 4.10.2 A Solid Fuel Appliance Declaration must be completed by the installer for any installation of a wood burning or other solid fuel appliance using an existing chimney, installing a new chimney or chimney liner. The declaration must include the installer's WETT certification number, CSA number of appliance and the condition and acceptability of the chimney and appliance installed.
- 4.10.3 An Installers Declaration prescribed by the Town shall be available at the time of inspection following the installation of a Solid Fuel Appliance, chimney or chimney liner.

#### **4.11 EXCAVATION PERMITS:**

- 4.11.1. Applications for an Excavation Permit shall be made in the form prescribed by the Town and signed by the owner, agent(s) or a signing official if the owner is a corporation.
- 4.11.2 Applications for an Excavation Permit shall include:
- a) three copies (two paper copies and one digital copy) of a site plan to an acceptable scale indicating:
    - i) location of existing underground and/or overhead services;
    - ii) area to be excavated;
    - iii) location of any structures on the property and on adjacent properties; and
    - iv) property lines.
  - b) three copies (two paper copies and one digital copy) of a cross-section drawing to an acceptable scale indicating:
    - i) depth of said excavation;
    - ii) average existing grade;
    - iii) proposed finished grade upon backfill;
    - iv) location of adjacent structures; and
    - v) property lines.
  - c) construction management plan, including details on timing of excavation, backfill, and installation of landscaping;
  - d) Letters of Assurance from a qualified professional Engineer for excavations over 1.2m in depth or near adjacent buildings;
  - e) cost estimate for the excavation and backfill of excavation;
  - f) landscape plan to indicate how the site will be landscaped once the excavation has been backfilled; and
  - g) cost estimate for the installation of landscaping.

### **SECTION 5 ADDITIONAL REQUIREMENTS**

#### **5.1 REQUIRED WORKS AND SERVICES ON SITE:**

- 5.1.1 Council hereby delegates to the Director of Engineering and Works the power under Section 938(7) of the Local Government Act to require that the owner of the site being developed shall, as a condition of the issuance of a Building Permit, provide works and services on the site being developed in accordance with the standards established in the Subdivision and Development of Land Bylaw.
- 5.1.2 Where a required access route is provided by a private roadway serving more than one dwelling unit, the access road way 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) have turnaround facilities for any dead-end portion of the access route more than 90 metres long;
  - (e) be connected to a public street or thoroughfare; and
  - (f) be built to sufficiently support firefighting equipment and be surfaced with concrete, asphalt, or other material designed to permit accessibility under all climatic conditions.
- 5.1.3 Firefighting Access Route Design shall conform to the requirements of the BC Building Code.

5.1.4 For all buildings of new construction to a property, the owner of the property shall place the electrical service underground to the nearest acceptable power service. Detached secondary dwellings shall be exempted from this requirement.

## **5.2 REQUIRED WORKS AND SERVICES OFF-SITE:**

5.2.1 Council hereby delegates to the Director of Engineering and Works the power under Section 938(6) of the Local Government Act to require that, prior to the issuance of a Building Permit, the owner of a site being developed shall provide works and services, in accordance with the standards established in the Subdivision and Development of Land Bylaw, on that portion of every highway immediately adjacent to the site being developed up to the centre line of the highway.

5.2.2 All works and services required to be constructed and installed under Sections 5.1.1 and 5.2.1 shall be constructed and installed before the applicable Building Permit is issued.

5.2.3 Notwithstanding Section 5.2.2, the Building Permit may be issued if the owner of the site being developed:

- (a) deposits with the Town security in an amount equal to 120% of the cost of the works and services as approved by Director of Engineering Works and in the form of cash or a letter of credit in a form acceptable to the Director of Engineering Works; and
- (b) enters into an agreement with the Town to construct and install the required works and services by a specified date or permitting the Town to use the amounts secured under paragraph (a) of this section to complete the works and services and perform any other obligations of the owner under that agreement.

5.2.4 Council hereby delegates to the Director of Engineering Works the power to enter into agreements under Section 5.2.3(b) on behalf of the Town and on such terms and conditions that the Director considers desirable.

5.2.5 If works and services required to be constructed and installed under Section 5.2.1 are identified in the Town's Infrastructure Replacement Plans, the owner of the site being developed may request in writing not to do the work at the time of development and that the Town complete the works and services in accordance with the Infrastructure Replacement Plans, as amended from time to time, and if the Town approves of such a request the owner shall, prior to the issuance of the Building Permit, pay to the Town an amount equal to the cost of the deferred works and services as approved by the Director of Engineering Works.

5.2.6 For the purposes of assisting in determining the estimated cost of works and services required under Section 5.1.1 and 5.2.1, the Director of Engineering Works may require the owner to provide a cost estimate prepared by a registered professional engineer and in good standing under the Engineers and Geoscientists Act (British Columbia).

5.2.7 The Director of Engineering and Works may determine certain works are not required, and waive the requirement for that work.

## **5.3 MUNICIPAL REQUIREMENTS FOR PLUMBING SYSTEMS:**

5.3.1 If a building cannot be serviced by a gravity sanitary sewer system, the Senior Building Official may authorize the installation of a sewage pumping system, which shall conform to the Building Code, the BC Electrical Code Regulation, as follows:

- (a) pumping systems referred to in Sections 5.3.1(b) and 5.3.1(c) shall be designed and constructed under the supervision of a registered professional engineer who shall provide

Letters of Assurance in relation to design and field review as set out in the Building Code, and shall be constructed to the specifications such that the effluent from a single or two family dwelling shall drain into an approved sump with a maximum capacity equal to the Estimated Minimum Daily Sewage Flow for the dwelling as specified in the Sewerage System Standard Practice Manual published under the Health Act. The sump shall be emptied by a solids handling sewage pump;

- (b) a pumping system constructed to serve a single family dwelling or a two family dwelling, shall have a sump fitted with a high level alarm that will sound an alarm within the dwelling when effluent levels exceed a predetermined level; and
  - (c) all other pumping systems shall sound an alarm when effluent levels exceed a predetermined level, and shall be connected to an emergency generator during periods of power failure.
- 5.3.2 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 inspection chamber shall extend with a “wye” fitting to the surface vertically and shall be provided with a cap.
- 5.3.3 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.
- 5.3.4 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 specifications set out in the Subdivision Bylaw and Development of Land Bylaw as amended from time to time for such systems within subdivisions.
- 5.3.5 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.
- 5.3.6 Except for secondary suites, detached secondary dwellings, and affordable rental dwelling units, every suite as defined by the BC 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 shall be purchased from the Town by the owner of the property and installed by a qualified plumber or Town employee.
- 5.3.7 Where the Manager of Engineering and Environmental Services gives written permission to allow the storm drain system to drain directly into the ocean, the drainage system shall have an approved oil / silt interceptor placed between the connection of the last fixture and prior to the actual outfall. This device shall be accessible for maintenance purposes.
- 5.3.8 Every water connection to a property or building shall have a backflow prevention device 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 Bylaw, as amended from time to time.

#### **5.4 BI-DIRECTIONAL AMPLIFIER FOR CREST RADIO SYSTEM:**

- 5.4.1 All new or renovated buildings and structures of reinforced concrete or structural steel or using metal cladding or reflective glazing, and having greater than 500 square metres in gross



floor area or being over 12 metres in height or including basements of more than 1000 square metres in area, are required to install and maintain approved radio signal amplification systems and related infrastructure within the buildings that will allow uninterrupted communications to the Capital Region Emergency Service Telecommunications (CREST) wide area VHF radio system within the Town.

- 5.4.2 Radio system testing will be conducted by the Sidney Fire Department, or agency approved by the fire department such as CREST radio technicians to provide verification of the system.
- 5.4.3 Coverage and acceptance testing of the system is required prior to issuance of Occupancy Permit.

## **SECTION 6 DESIGN REVIEW, INSPECTIONS AND OCCUPANCY PERMITS**

### **6.1 PROFESSIONAL DESIGN AND FIELD REVIEW:**

- 6.1.1 When a registered professional provides letters of assurance in accordance with Sections 4.1, 4.2, 4.3, and 4.6 of this bylaw, he or she shall also provide proof of professional liability insurance to the Building Official.
- 6.1.2 When a registered professional provides letters of assurance in accordance with Sections 4.1, 4.2, 4.3 and 4.6 of this bylaw, the Town of Sidney will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to Sections 4.1, 4.2, 4.3 and 4.6 of this bylaw, as assurance that the construction substantially conforms to the design, and that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 6.1.3 A registered professional shall supervise the design and construction of any retaining structure 1.2 metres or greater in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures shall be submitted to a Building Official prior to acceptance of the works.
- 6.1.4 Except where the bottom of the excavation slopes at less than 30 degrees to the underside of any adjacent structure, utility or property line, all excavations for foundations or structures with a planned depth exceeding 1.2 meters below the grade existing at the time of the excavation will require certification by a qualified professional Engineer. The qualified professional Engineer shall submit a letter in the form of Schedule B and follow-up letters in the form of Schedule C-B from the Building Code certifying that excavations for construction will meet requirements contained in Part 4 of the Building Code.

### **6.2 BUILDING PERMIT INSPECTIONS:**

- 6.2.1 Any registered professional responsible for inspection or review of any portion of the work, upon request, shall make copies of all inspections or review reports available to the Town.
- 6.2.2 Notwithstanding Section 6.1.2 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.
- 6.2.3 A Building Official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code and this bylaw.

- 6.2.4 With respect to Building Permits other than Building Permits issued for Complex Buildings, the owner, or his or her agent(s), shall give at least 24 hours notice to the Town of Sidney 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:
- (a) the foundation and footing forms, before concrete is poured;
  - (b) installation of perimeter drain tiles and rainwater storm piping, prior to drain rock and backfilling. Approvals for installation of perimeter drain are subject to completion of backfilling within 24 hours of the inspection;
  - (c) the preparation of the ground seal or slab on grade, prior to the placing of concrete;
  - (d) rough-in plumbing. Plumbing DWV systems and waterlines to be under "test" at time of inspection;
  - (e) framing, when sheathing and roofing of the building are complete, all fire blocking and bracing is in place, and all pipes, ducting, chimneys, electrical wiring, roof space and crawlspace vents are complete;
  - (f) inspection of fireplaces after the installation of the smoke damper and prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
  - (g) insulation and vapour barrier;
  - (h) drywall before application of any drywall taping or compound is applied;
  - (i) when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure; and
  - (j) any additional inspections as required by the Building Official.
- 6.2.5 No aspect of the work referred in Section 6.2.4 of this bylaw shall be concealed or covered until a Building Official has accepted it in writing.
- 6.2.6 The Building Official may require an applicant to uncover any part of a construction, which was covered before it was inspected and approved.
- 6.2.7 A report from the Building Official will be left on the construction site or emailed to the property owner or their authorized agent following each inspection, giving approval of work done or listing corrections, which require re-inspection, and approval.
- 6.2.8 The requirements of Section 6.2.4 of this bylaw do not apply to any aspect of the work that is a subject of a registered professional's letter of assurance provided in accordance with Section 4.1, 4.2, 4.3 and 4.6 of this bylaw.
- 6.2.9 Inspection and testing of plumbing systems shall occur as follows:
- (a) when a Building Permit is issued in respect of a plumbing installation in a building other than a complex building, the installation shall not be put into service until it has been inspected and tested to the satisfaction of the Building Official and approval for the system has been given;
  - (b) the plumbing contractor shall notify the Inspection Department when the work is completed and ready to be tested and inspected;
  - (c) the plumbing contractor shall furnish any equipment, material, power or labour that is necessary for inspection or testing; and
  - (d) the Building Official may inspect an existing plumbing system and, where there is reason to suspect that the system is not satisfactory, order it to be rectified and retested as necessary.

**6.3 OCCUPANCY PERMITS:**

- 6.3.1 Occupancy Permits are required for all buildings of new construction, additions to existing buildings, the addition of secondary suites, and changes in occupancy.
- 6.3.2 No person shall occupy a building or structure or part of a building or structure until an Occupancy Permit has been issued.
- 6.3.3 Prior to the occupancy of any building, or part of it, after completion of construction of the building, or part of it, or prior to any change in occupancy of any building or part of, the owner shall obtain from the Building Official a Certificate of Occupancy which may be withheld by the Building Official until the building or part of it complies with the requirements of this Bylaw, any additional conditions that the Building Official places on the Building Permit, and any other Town enactment.
- 6.3.4 Prior to the occupancy of a Multi-family or Complex building, a Fire Safety Plan conforming to Part 2 Section 2.8.2 of the BC Fire Code and approved by the Town shall be in place with all required mapping and the Fire Safety Plan be mounted in an area approved by the Town.
- 6.3.5 An Occupancy Permit shall not be issued unless:
  - (a) all aspects of the work have been inspected and an accepted pursuant to Section 6.2.4 of this bylaw; and/or
  - (b) all letters of assurance have been submitted when required in accordance with Sections 4.1, 4.2 and 4.3 of this bylaw
- 6.3.6 A Building Official may issue an Occupancy Permit for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and the requirements set out in Section 6.2.4 and 6.1.2 of this bylaw have been met with respect to it.

**SECTION 7 REQUIREMENTS FOR SECURITY TO BE PAID**

**7.1 BUILDING PERMIT:**

- 7.1.1 Every applicant for a Building Permit or Excavation 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 or Excavation Permit is under \$10,000.00;
  - (b) one thousand (\$1000.00) dollars where the value of the work under the Building Permit or Excavation Permit is \$10,001.00 to \$100,000.00;
  - (c) one (1%) percent of the value of the work under the Building Permit or Excavation Permit, where the value of the work under the Building Permit or Excavation Permit is \$100,001.00 to \$500,000.00; and

(d) where the value of the work under the Building Permit or Excavation 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.

7.1.2 Plumbing Permits, Solid Fuel Appliance Permits, Blasting Permits, Building Permits issued for the purpose of erecting a fence, and Building Permits issued for the purpose of constructing a masonry chimney shall not require a security deposit.

7.1.3 Security deposits taken pursuant to Section 7.1.1 shall only be released once a final inspection or Occupancy has been granted to the related Building Permit and that the Director of Engineering and Works is satisfied that the security can be released, if required by the Building Official.

**7.2 DEMOLITION PERMIT:**

7.2.1 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.

**7.3 MOVING PERMIT:**

Every applicant for a Moving 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 Moving 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.

**7.4 EXCAVATION PERMIT:**

7.4.1 Prior to issuance of an Excavation Permit, the applicant shall pay a deposit of 120% of the estimated cost of backfilling the excavation to an approved grade.

7.4.2 Prior to issuance of an Excavation Permit, the applicant shall pay a deposit of 120% of the estimated cost of installing landscaping as per the plan forming part of the Excavation Permit.

**SECTION 8 FIRE SUPPRESSION**

**8.1 FIRE SUPPRESSION SYSTEMS:**

8.1.1 Fire Department connections for fire sprinklers systems shall have a minimum of one 2 ½ inch Fire Department connection located at the front property line of the building or the property line which abuts a municipal street, or as directed by the Town. The Fire Department connection shall be unobstructed from fencing, landscaping or other materials and structures.

8.1.2 Buildings requiring fire suppression systems shall have a key vault flush mounted to the exterior of the building, located at the main entrance. The key vault shall be keyed to the local Fire Department master.

**SECTION 9 PENALTIES AND ENFORCEMENT**

**9.1 PENALTIES AND ENFORCEMENT:**

- 9.1.1 Every person who contravenes any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than ten thousand dollars (\$10,000.00) or to imprisonment for not more than six (6) months.
- 9.1.2 Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this bylaw to continue contravenes this bylaw.
- 9.1.3 A Building Official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a Stop Work notice.
- 9.1.4 The owner of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a Building Official.
- 9.1.5 Where a person occupies a building, structure, or part of a building or structure in contravention of Section 6.3 of this bylaw a Building Official may post a Do Not Occupy notice.
- 9.1.6 The owner of property on which a Do Not Occupy notice has been posted, and every other person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of the Building Code and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a Building Official.
- 9.1.7 Any person who begins construction of any building or structure before attaining the required permit shall be charged a fee in the amount of two times the fee which is payable under Appendix "A" of this Bylaw.

**SECTION 10 REPEAL**

10.1.1 Town of Sidney Building Regulations Bylaw No. 1791 and amendments thereto are hereby repealed.

Introduced and read a first time the	23 <sup>rd</sup>	day of	April, 2012.
Read a second time the	23 <sup>rd</sup>	day of	April, 2012.
Read a third time the	23 <sup>rd</sup>	day of	April, 2012.
Reconsidered and finally adopted the	14 <sup>th</sup>	day of	May, 2012.

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**MAYOR**

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**CORPORATE ADMINISTRATOR**

## APPENDIX "A" – SCALE OF FEES

### PERMIT FEES:

1. A plan processing fee, as set out below, shall accompany an application made for a Building Permit:
  - (a) The plan processing fee for a building or structure with a construction value of less than \$100,000 (one hundred thousand dollars) shall be \$50 (fifty dollars);
  - (b) The plan processing fee for a building or structure with a construction value greater than \$100,000 (one hundred thousand dollars) shall be \$100 (one hundred dollars); and
  - (c) The plan-processing fee for commercial or multi-family buildings of new construction shall be \$200.00 (two hundred dollars). The fee shall be reduced to \$100.00 (one hundred dollars) for alterations, additions or repairs to existing buildings and structures.
  
2. The fee for Building Permits or Excavation Permits, shall be based on the valuation of construction as per Section 3.2 and the fee shall be calculated in accordance with the following scale:
  - (a) For permits \$ 1000.00 or less in value \$100.00
  - (b) For permits in excess of \$1000.00 value  
the fees shall be \$100.00 for the first thousand, plus \$13.00 per thousand or part thereof for the next \$99,000.00, plus \$11.00 per thousand or part thereof for the next \$400,000.00 and \$9.00 per thousand in excess of \$500,000.00
  
3. The fee for a Building Permit or Plumbing Permit renewal shall be in accordance with the following:
  - (a) For Single and Two Family Dwelling Building or Plumbing Permit \$50.00
  - (b) Commercial and/or Multi-Family Dwelling Building Permit \$500.00
  - (c) Commercial and/or Multi-Family Dwelling Plumbing Permit \$200.00
  
4. The fee for a Building Permit for a fence shall be: \$50.00
  
5. Solid Fuel Appliance and Chimney Permit Fees
  - (a) Chimney or flue \$25.00
  - (b) Masonry fireplace \$25.00
  - (c) Solid fuel burning stove, range, furnace, boiler or space heating appliance \$25.00
  
6. The fee for a permit to wreck or demolish a single family dwelling structure or two-family dwelling structure from a lot: \$1000.00
  
7. The fee for a permit to wreck or demolish any other structure from a lot shall be one (1%) percent of the assessed building value as established by the most recent assessment records supplied to the Town by the British Columbia Assessment Authority.
  
8. Notwithstanding Section 6 and 7, the fee for a permit to wreck or demolish a structure may be reduced to a fee of \$500 for single- and two-family dwellings and \$1000 for all other structures where the property owner has entered into a signed agreement with an emergency services organization to use the building for training purposes prior to wrecking or demolition.

- 9. The fee for a permit to move a building or structure within the town: \$250.00
- 10. The fee for a demolition permit to remove a building shall be: \$250.00
- 11. Permit for blasting permit shall be: \$250.00
- 12. Building Permits issued pursuant to Section 6.1.2 of this bylaw shall receive a 5% reduction of the Building Permit Fee.
- 13. Permit Cancellations:
  - (a) An application shall be cancelled and the plan-processing fee forfeited if the permit has not been issued and the permit fee is not paid within 180 days of the date of the first notification to the owner that the Permit is ready to be issued.
  - (b) When an application is cancelled, the plans and related documents submitted with the application may be destroyed.
- 14. Notice on Title:
  - (a) The fee for removing a notice that has been placed on the Land Title of a parcel in accordance with Section 57 of the *Community Charter* shall be \$500 (five hundred dollars).

**PLUMBING PERMIT FEES:**

- 1. Minimum Plumbing Permit fee: \$50.00
- 2. **PLUMBING FIXTURES**
  - (a) For the installation of each Plumbing Fixture:
    - i. For each fixture 1 to 10 inclusive \$15.00
    - ii. For each additional fixture over 10 \$10.00
    - iii. For any alteration or replacement of a fixture ( in other than Single Family Dwellings) \$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
- 3. **SEWER CONNECTIONS:**
  - (a) Building storm drain from building to property line \$30.00
  - (b) Building sewer drain from building to property \$30.00
  - (c) Perimeter tile repair or replacement \$50.00
  - (d) For Manholes and / or Interceptors \$40.00
  - (e) Sewer and Storm pumping systems (each) \$50.00
- 4. **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
  - (e) Stand pipe outlet \$25.00

5. **IRRIGATION SYSTEMS:**

- |  |          |
|--|----------|
| (a) Residential                              | \$50.00  |
| (b) Commercial, Industrial and Multi- Family | \$100.00 |

6. **SPECIAL EQUIPMENT:**

- |  |         |
|--|---------|
| (a) Backflow Prevention Device                           | \$30.00 |
| (b) Solar Hot Water Systems                              | \$50.00 |
| (c) Swimming Pool Drain Connection                       | \$50.00 |
| (d) For installation of special equipment not list above | \$30.00 |