

TOWN OF OSOYOOS

BUILDING CODE ADMINISTRATION

BYLAW No. 1251



ADOPTED OCTOBER 19, 2009
(UPDATED MAY 29, 2025)

CONSOLIDATED VERSION

(CONSOLIDATED FOR CONVENIENCE PURPOSES ONLY)

CONSOLIDATED VERSION SHOULD BE READ IN CONJUNCTION WITH THE COMPLETE DOCUMENT.

**THE TOWN OF OSOYOOS
BUILDING BYLAW NO. 1251, 2009**

BYLAW FOR THE ADMINISTRATION OF THE BRITISH COLUMBIA BUILDING CODE

NOTICE TO REGISTERED PROFESSIONALS:

Where Registered Professionals provide letters of assurance in accordance with this Bylaw, the Town of Osoyoos will rely solely on the letters of assurance submitted by the registered professional and field reviews undertaken by the registered professional that the design and construction substantially complies with the B.C. Building Code, Building Bylaw No. 1251, and other applicable enactments respecting safety.

Pursuant to section 18 of the Building Bylaw, the Building Official may attend the construction 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 Professional as required by the letters of assurance.

A policy has been adopted in order to define the intent of monitoring and to provide guidance on the roles and responsibilities of the Building Official, the constructor, and any Registered Professionals retained in connection with the construction of a building.

Monitoring involves the Building Official attending the site of construction of a building to ensure that field reviews by the Registered Professionals are taking place and that the reviews relate specifically to the progress of construction of the project. At no time will the Building Official provide design solutions to the constructor, as that is the responsibility of the Registered Professional. Comments provided on a monitoring report issued by the Building Official will be relayed directly to the Coordinating Registered Professional for their review and action.

Comments contained in this notification are for convenience only. A complete review of Building Bylaw 1251, 2009 is recommended.

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PART 1 – GENERAL

1. TITLE AND PURPOSE

- 1.1. This bylaw may be sited for all intents and purposes as the Town of Osoyoos Building Code Administration Bylaw No. 1251, 2009.
- 1.2. This bylaw shall, despite any other provisions herein, be interpreted in accordance with section 1.3.
- 1.3. This bylaw is enacted and retained for the purpose of regulating **construction** within the boundaries of the Town of Osoyoos in the general public interest. The activities undertaken by or on behalf of the Town of Osoyoos pursuant to this Bylaw are for the sole purposes of providing a limited and interim spot checking and monitoring function for reasons of public health and safety and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend to:
 - (a) protection of owners, owner/builders or builders from economic loss,
 - (b) assumption by the Town of Osoyoos of any responsibility for ensuring the compliance by an owner, his representatives, or any contractors, builders or design professionals retained by him, with the current edition of the British Columbia **Building Code**, the requirements of this bylaw, or any other applicable enactments respecting safety,
 - (c) providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a **building permit** or **occupancy permit** is issued under this Bylaw, or
 - (d) providing a warranty or assurance that construction undertaken pursuant to **building permits** issued by the Town of Osoyoos is free from latent defects, or any deficiencies.
- 1.4 This bylaw shall not apply to **construction** of water distribution systems, highways, transportation infrastructure, fire hydrant systems, sewage collection systems, sewage disposal systems, drainage collection systems, drainage disposal systems, or **plumbing systems**, undertaken by or on behalf of the Town of Osoyoos

2. REPEAL

This Bylaw will apply to **permits** for which applications were received after the date of final adoption of this bylaw. “Town of Osoyoos Building Bylaw 979, 1995” and amendments thereto is repealed and replaced by this bylaw. Applications already in progress prior to the date of adoption of this bylaw will be regulated by Bylaw 979, 1995.

3. DEFINITIONS

In this Bylaw:

The following words and terms have the meanings set out in section 1.4.1.2. of the B.C. **Building Code**, as amended from time to time: *assembly occupancy, **building**, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard occupancy, industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.*

Words and terms that appear in ***bold/italics*** shall be defined as follows:

“Accessory Building” means a building, the use or intended use of which is ancillary and subordinate to that of a principal building situated on the same lot.

“Agent” means a person authorized by an owner to represent them for the purpose of this Bylaw or, a signing officer if the owner is a corporation.

“Applicant” means an owner, his **agent**, or a Certified Registered Professional acting on behalf of an owner.

“Building” in addition to the **Building Code** definition, and for the purposes of this Bylaw, also see **“Complex Building”** and **“Standard Building”** definitions.

“Building Code” means the current *British Columbia Building Code* as adopted by the Minister pursuant to the **Local Government Act**, as amended or re-enacted from time to time.

“Building Official” means a person to whom a local government has assigned the responsibility for administering this Bylaw enacted under the **Local Government Act**, and includes *building officials* and plan reviewers as designated by the Town of Osoyoos.

“Building Permit” means a **permit** to construct a **building** or **temporary building** issued in accordance with Part 2 of this Bylaw.

“Complex Building” means:

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

“Construction” means the erection, alteration, addition, demolition, repair, reconstruction or removal or relocation of a **building** or **structure** and includes the installation of a **plumbing system, or swimming pool**, and includes all labor, even if provided by the owner or donated voluntarily by others, site development and excavation specifically related to the **building**, electrical, mechanical, roofing, fire protection, vertical

transportation, services provide by registered professionals and everything attached thereto as to constitute real property.

“Local Government Act” means the *Local Government Act, RSBC 1996, c. 323*, as amended from time to time.

“Occupancy Permit” means a **permit** to occupy a **building** or a portion of a **building** issued in accordance with the requirements of this Bylaw.

“Permit” means permission or authorization in writing by the **Building Official** to perform **work** regulated by this Bylaw.

“Plumbing System” means a drainage system, water distribution system and venting system or parts thereof.

“Retaining Walls” means walls and **structures** constructed for the retention of soils in excess of 1.2m in height or with a slope or setback ratio greater than two horizontal to one vertical.

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

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

“Structure” means any **construction** fixed to, supported by, or sunk into land or water but excludes fences and landscape walls up to 1.2m in height and concrete and asphalt paving or similar surfacing of a lot.

“Subdivision Servicing Bylaw” means the *Town of Osoyoos Subdivision Servicing Bylaw 1100 1998*, as amended or re-enacted from time to time.

“Surveyor” means an individual who is a member in good standing of the Corporation of Land Surveyors of British Columbia pursuant to the Land Surveyors Act, RSBC 1996 c.248

“Swimming Pool” means every **structure** intended for or used as a **swimming pool** or wading pool with a water depth exceeding 600mm and includes the fence or other **structure** enclosing such pool and any appurtenance, plumbing or drainage system attached thereto. Garden ponds, architectural water features having a water depth exceeding 600mm included.

“Swimming Pool Permit” means a **permit** to install a swimming pool in accordance with Part 5 of this Bylaw.

“Temporary Building” means a **building** or any part thereof that will be used for a period of time not exceeding one year from the date of placement of such **building**, but does not include a mobile home or manufactured home intended for residential occupancy.

“Work” means the **construction**, alteration, repair, relocation or demolition of a **building, structure**, pool, or **plumbing system**, but does not include repairs being done as part of the normal maintenance of such a **structure**.

“Zoning Bylaw” means the Town of Osoyoos Zoning Bylaw, 1085 1998, as amended or re-enacted from time to time.

4. DUTIES OF THE BUILDING OFFICIAL

The **Building Official** will:

- 4.1. Administer this Bylaw;
- 4.2. Keep records of all applications received and **permits** and orders issued;
- 4.3. Carry proper identification, confirming his or her status as a **Building Official**.

5. POWERS OF THE BUILDING OFFICIAL

- 5.1. A **Building Official** may enter any **building** or premises at any reasonable time for the purpose of ascertaining whether the requirements of this Bylaw are being observed.
- 5.2. Where any dwelling, apartment or guest room is occupied, the **Building Official** shall, except in emergencies, obtain consent of the occupant or provide where reasonably practical, written notice 24 hours in advance of entry.
- 5.3. A **Building Official** may order the correction of any **work** that is being or has been done in contravention of this Bylaw.
- 5.4. A **Building Official** may order the cessation of **work** that is proceeding in contravention of the **Building Code** or this Bylaw, or any related Town of Osoyoos Bylaw, by posting a "STOP WORK ORDER" as prescribed by the **Building Official** on the property where such **work** is undertaken.

6. RESPONSIBILITY OF THE OWNER

- 6.1. Every owner shall ensure that all **construction** complies with the **Building Code**, this Bylaw and other applicable enactments respecting safety.
- 6.2. Neither the issuance of a **permit** under this Bylaw nor the acceptance or review of plans, drawings, nor any inspections made by or on behalf of the Town of Osoyoos shall in any way relieve the owner or his **agents** from full and sole responsibility to perform the **work** in accordance with this Bylaw, the **Building Code** and or any other applicable enactments respecting safety.
- 6.3. It shall be the full and sole responsibility of the owner to carry out the **work** in respect to which the **permit** was issued in compliance with the **Building Code** and this Bylaw and other applicable acts respecting safety.
- 6.4. No person shall rely upon any **permit** as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms. The owner and his representatives shall be responsible for making such determination.

7. PENALTIES AND ENFORCEMENT

- 7.1. Any 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 \$10,000.00 or to imprisonment for not more than six months, or both.
- 7.2. A separate offence shall be deemed to be committed on each day during which a violation occurs or has been allowed to continue.
- 7.3. Every owner of real property on which a “STOP WORK ORDER” has been posted pursuant to section 5.4 of this Bylaw, or whose **building permit** has been revoked pursuant to Section 13.11 of Part 2 of this Bylaw, shall cease all **work** thereupon immediately and shall not commence any **work** until all provisions of this Bylaw have been fully complied with, and the “STOP WORK ORDER” has been removed by the **Building Official**.
- 7.4. Any person who begins **construction** without first obtaining a valid **building permit** shall be charged double the fees originally required as set out in Schedule A of this Bylaw, payable before issuance of a **permit**.

8. SEVERABILITY

- 8.1. If any section, subsection, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed from the Bylaw. Such decision shall not affect the validity of the remaining portions of this Bylaw.

PART 2 - BUILDINGS AND TEMPORARY BUILDINGS

9. PROHIBITIONS

- 9.1. No person shall commence or permit the commencement of **construction** or demolition unless a valid **permit** has been issued for the **work** by the **Building Official**.
- 9.2. No person shall occupy or permit the occupancy or use of any **building** or part thereof in the absence of an **occupancy permit** required by this Bylaw and contrary to the terms of any **permit**, notice or certificate given by the **Building Official**.
- 9.3. No person shall reverse, alter, deface, cover, remove or tamper with any notice or certificate posted on or affixed to any building pursuant to any provision of this Bylaw.
- 9.4. No person shall do, or permit the doing of any **work** that is at variance with the description, plans and specifications of a **building** for which a **permit** has been issued, unless such change is approved by the **Building Official**.

10. APPLICATIONS FOR BUILDING PERMITS

10.1. Every owner shall apply for and obtain a **permit** before constructing, altering, repairing, demolishing or moving a **building** or **structure**.

10.2. Applications for **complex buildings** shall;

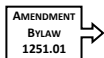
- (a) be made on the forms provided by the Town of Osoyoos, signed by the owner or **agent**;
- (b) be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form of Schedule C of this Bylaw, signed by the owner or **agent**;
- (c) state the intended use or uses of the **building** or **structure**;
- (d) be accompanied by Letters of Assurance in the form of Schedule A as referred to in Division C, Part 2 of the **Building Code**;
- (e) contain letters of assurance in the form of Schedule B as referred to in Division C, Part 2 of the **Building Code**, each signed and sealed by such registered professionals as the **Building Code** may require, to prepare the design for and conduct field reviews of the **construction** of the **building** or **structure**;
- (f) include 3 copies of the scale drawings of the **buildings**, including one electronic copy in a format acceptable to the **Building Official**, showing:
 - i. the dimensions of the **building**,
 - ii. the proposed use of each room or floor area,
 - iii. the dimensions of the property on which the **building** is, or is to be located,
 - iv. the grades and elevations of the streets and sewers abutting the property,
 - v. the position, height and horizontal dimensions of all existing or proposed **buildings** or **structures**,
 - vi. the minimum habitable floor elevation according to geodetic datum, if required by the **Building Official**,
 - vii. the locations and dimensions of all statutory rights of way and easements, and
 - viii. such other information as necessary to illustrate all essential features of the **building** design, and to establish substantial compliance with the **Building Code** and this Bylaw.

10.3. Where the parcel of land contains slopes in excess of 15%, and upon the request of the **Building Official**, be accompanied by;

- (a) 0.5metre contours of the existing ground surface of the parcel;
- (b) 0.5metre contours of the proposed final grading;
- (c) the elevation of all floor areas of the **building**, the location and details of all retaining **structures** on the parcel;
- (d) the drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and storm water management plans.

10.4. Applications for **standard buildings** shall;

- (a) be made on the forms provided by the Town of Osoyoos, and signed by the owner or **agent**;
- (b) state the intended use or uses of the **building** or **structure**;
- (c) include 2 copies of the scale drawings and 1 electronic copy, at the request of the **Building Official**, with respect to which the **work** will be carried out, showing:
 - i. the dimensions of the **building**,
 - ii. the proposed use of each room or floor area,
 - iii. the dimensions of the land on which the **building** is, or is to be located,
 - iv. the grades and elevations of the streets and sewers abutting the land,
 - v. the position, height and horizontal dimensions of all **buildings** on the land,
 - vi. the minimum habitable floor elevation according to geodetic datum, when required by the **Building Official**,
 - vii. the location and dimension of all statutory rights of way or easements, and
 - viii. such other information as is necessary to illustrate all essential features of the design of the **building**, and to establish substantial compliance with the **Building Code** and this Bylaw, and any pertinent conditions of an approved Development Permit, if applicable.



- (d) Include a foundation design prepared by a registered professional in accordance with Section 4.2 of Part 4, Division B of the **Building Code**, accompanied by Letters of Assurance in the form of Schedule B of Division C, Part 2 of the **Building Code**, signed and sealed by the registered professional.

10.5. The requirements of 10.4(d) may be waived by the **Building Official** for detached **accessory buildings** less than 55 square meters in area or, when a **permit** is sought for a **building** or **structure** of limited scope and complexity.

10.6. Where the parcel contains slopes in excess of 15%, or at the request of the **Building Official**, the application will be accompanied by the following additional information;

- (a) 0.5 meter contours of the existing ground surface;
- (b) 0.5 meter contours of the proposed final grading;
- (c) the elevations of all floor levels of the **building**;
- (d) the location and details of all retaining **structures** on the parcel; and
- (e) drainage provisions as outlined in the approved subdivision plans or storm water management plan.

10.7. Where the size or complexity of a proposed **building** or **structure** warrant, the **Building Official** may require Letters of Assurance in the form of Schedules A and B as referred to in Division C, Part 2 of the **Building Code**, for the entire project or portions thereof.

- 10.8. Any other information required by the **Building Official** to establish substantial compliance with this Bylaw, the **Building Code** or any other bylaws or enactments respecting safety.
- 10.9. When requested by the **Building Official**, be accompanied by a plan that shows the location and size of every **building** drain, soil or waste pipe, trap, cleanout and vent pipe to ensure compliance with Division B Part 7 of the **Building Code** and this Bylaw.
- 10.10. All plans submitted with **permit** applications shall bear the name and address of the designer.
- 10.11. The **Building Official** may require the owner to establish whether a specific method or type of **construction** or a material used **construction** conforms with the requirements and provisions of the **Building Code** and this Bylaw.
- 10.12. No **building permit** for the **construction** of any **building** will be issued unless the following conditions are met;
- (a) access is provided to the parcel upon which the **building** is to be placed or constructed;
 - (b) the parcel is serviced to the property line by a municipal sanitary sewer system, or other approved sewage disposal facility;
 - (c) the parcel is serviced to the property line by a municipal water distribution system, or approved private water supply system, of sufficient capacity to provide adequate water supply for potable use and fire suppression purposes.
- 10.13. Applications will be cancelled if **permit** fees are not paid within 60 calendar days from the date of notification to the **applicant** that the **permit** is ready for issuance. The plan-processing fee stipulated in Schedule A of this Bylaw shall be forfeit, and documentation submitted may be destroyed.
- 10.14. For the purpose of calculating **building permit** fees, the **Building Official** will value the **construction** cost based on current market unit costs, or will request an estimated value of **construction** from the owner.

11. PROFESSIONAL PLAN CERTIFICATION

- 11.1. The Letters of Assurance referred to in Division C Part 2 of the **Building Code** and provided pursuant to the requirements of this Bylaw are relied upon by the Town of Osoyoos and its **Building Official** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code**, this Bylaw, and other applicable enactments regarding health and safety.
- 11.2. A **building permit** for the **construction** of any **building** or **struction** for which the **Building Official** has required professional design and letters of assurance pursuant to this Bylaw, shall include a notice to the owner in the form of Schedule C to this Bylaw that the **building permit** has been 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 **Buiding Code**.

- 11.3. Where a registered professional has provided letters of assurance as required by the B.C. **Building Code** and this bylaw, building permit fees will be reduced by 5%.

12. EQUIVALENTS AND TESTS

- 12.1. Alternative solutions, as referred to in Division A Part 1 of the **Building Code**, for one or more of the “Acceptable Solutions” of Part B of the **Building Code** may be permitted, provided sufficient evidence is submitted to satisfy the **Building Official** that the proposed alternative solution will provide substantial compliance in all material respects with the **Building Code**.
- 12.2. The **Building Official** may direct that tests of material, devices, **construction** methods, structural assemblies or foundation conditions be made, at the expense of the owner, in order to determine substantial compliance in all material respects with this Bylaw and the **Building Code**.

13. PERMITS

- 13.1. The **Building Official** will issue a **permit** for which an application is made when;
- (a) a completed application has been submitted including all supporting documentation;
 - (b) the proposed **work** set out in the application substantially complies with the **Building Code**, this Bylaw and other applicable enactments respecting health and safety;
 - (c) the **applicant** has paid the prescribed fees as set out in Schedule A of this Bylaw, and
 - (d) the **applicant** has paid all charges and met all requirements imposed by any other Town of Osoyoos statute or bylaw, including all fees associated with an approved Development Permit, Subdivision or Servicing agreement if applicable.
- 13.2. Every **permit** is issued on the condition that it shall expire and the rights of the owner shall terminate if;
- (a) **Work** authorized by the **permit** is not started within 6 months from the date of issuance of the **permit**, or
 - (b) **work** has been substantially discontinued for a period of 6 months.
- 13.3. The **permit** shall lapse in the event that the **work** authorized by the **permit** remains incomplete 12 months after the **permit** was issued for **standard buildings** and 24 months for **complex buildings**.
- 13.4. A **building permit** that is expected to expire before the **work** has been completed may be extended, at the discretion of the **Building Official**, for a period of not greater than 6 months provided this request is made in writing to the **Building Official**.

filed evidencing compliance with all pertinent requirements of this Bylaw. Pursuant to this section of the Bylaw, each phase and each individual **building** of the project will require separate **permit** applications including payment of all fees in accordance with Schedule A of this Bylaw.

- 13.6. No plumbing **permit** shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve the replacement of valves pipes, or fixtures.
- 13.7. The **Building Official** may issue a **permit** for the placement of a **temporary building** if satisfied that the **structure** is safe for the stated use and duration, subject to the requirements of this Bylaw or any other Bylaw. **Permits** for **temporary buildings** shall be issued for a maximum duration of 1 year and may be renewed at the discretion of the **Building Official**.
- 13.8. No **permit** is required for an **accessory building** within residential zones, provided such **building** does not exceed a maximum of 10m² in area and 4.5m in height.
- 13.9. No **permit** is required for **construction** of a fence or a landscape wall less than 1.2m in height.
- 13.10. A **building permit** may be issued for **works** within Development Permit Areas and Development Authorization Areas so designated by the Town of Osoyoos only upon prior issuance of a Development Permit or Development Authorization in accordance with the Town of Osoyoos Land Use Procedures [LUP] Bylaw No. 1235, as amended from time to time, and other applicable regulations in force at that time.
- 13.11. The **Building Official** may revoke a **permit** if there is any contravention under which the **permit** was issued, the **permit** was issued in error, there has been a failure to comply with the **Building Code** or this Bylaw, or the **permit** was issued on the basis of incorrect information provided by the owner or his **agent**.
- 13.12. The **Building Official** may refuse to issue a **building permit** where the proposed **work** will not comply with the provisions of this Bylaw or the B.C. **Building Code**, or other enactments respecting safety.
- 13.13. Disclaimer of Warranty or Representation:

Neither the issuance of a **permit** under this Bylaw, the review and acceptance of drawings, plans and specifications, nor the inspections made by **Building Official**, shall in any way constitute a representation, warranty or statement that the **Building Code** or this Bylaw has been complied with, or that the **building** or **structure** meets any standard of materials and workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this Bylaw or any standard of **construction**.
- 13.14. Refunds:
 - (a) No **building permit** fee paid to the Town of Osoyoos will be refunded if a start has been made in **construction** of a **building** or **structure** pursuant to a valid **building permit** issued by the Town;

- (b) A **building permit** fee may be partially refunded when the owner has submitted a written request for a refund and the **Building Official** has determined that a start has not been made on the **construction** of the **building** or **structure** and that the **permit** has not expired;
- (c) A **building permit** fee is not refundable after the **permit** has been extended as permitted in Part 2 Section 13.4 of this Bylaw, or the **building permit** has expired;
- (d) Deductions will be made from any refunded amount of fees to cover the costs incurred by the Town in processing the **building permit** application.

13.15. Cancellations:

- (a) At the request of the owner, a **building permit** may be cancelled. Requests for cancellation of a **permit** shall be made in writing to the **Building Official** and are subject to the refund conditions set out in Part 2, Section 13.14 of this Bylaw.

14. RETAINING WALLS AND SLOPE RETENTION

- 14.1. **Retaining walls** and retaining **structures** in excess of 1.2m in height, or greater than two horizontal to one vertical slope or setback ratio, or, where **retaining walls** may be “stacked” upon existing walls require **building permits** and professional design and field review in accordance with Part 2, Section 15 of this Bylaw.
- 14.2. **Retaining walls** and landscape walls shall be constructed on private property and contained within the property boundaries of private property. **Construction** of any retaining **structure** on public land or on Town road dedication, easement or statutory right of way is prohibited without the written consent of the **Building Official**.
- 14.3. **Retaining walls** are not permitted to be constructed of uncemented rock or boulder piles or creosoted timbers.
- 14.4. Except as certified by a registered professional with expertise in geotechnical engineering, slopes steeper than one linear unit vertically to one linear unit horizontally and with a total height of 3m or more, which are created by excavation, are not permitted.
- 14.5. Fill material placed on land shall not have a surface slope exceeding a ratio of one vertical to two horizontal, and shall be protected with a material capable of preventing erosion and sediment from runoff, and controlling dust.

15. PROFESSIONAL DESIGN AND FIELD REVIEW

- 15.1. Where the **Building Official** considers that site conditions, size or complexity of a **building** or **structure**, or any specific component thereof so warrant, or where an application has been made to construct a retaining wall or in ground **swimming pool**, he may require a registered professional to provide design and plan certification and field reviews by means of letters of assurance in the form of Schedule B as referred to in Division C, Part 2 of the **Building Code**.

- 15.2. Prior to the issuance of an **occupancy permit** for a **building** in circumstances where letters of assurance have been required in accordance with the **Building Code** and this Bylaw, the owner shall provide the **Building Official** with letters of assurance in the form of Schedule C-A or C-B, as is appropriate, as required by Division C Part 2 of the **Building Code**.
- 15.3. Where a registered professional has provided letters of assurance in accordance with this Bylaw, proof of liability insurance, in the form of Schedule B to this Bylaw, shall be submitted to the **Building Official**.

16. DAMAGE TO FACILITIES IN THE PUBLIC RIGHT OF WAY

- 16.1. The owner is responsible for conducting an inspection of the existing condition of all public properties adjacent to the **building** site and reporting any existing damage to the **Building Official** prior to commencing **work**. Any damage to public facilities detected at final inspection will be assumed to be caused by the owner unless reported prior to commencing **work**.
- 16.2. Every owner to whom a **permit** is issued shall be responsible for the cost of repairs for any damage to public properties that occur during the course of **work** authorized by the **permit**.
- 16.3. Prior to the issuance of a **building permit**, the **applicant** shall deposit with the **Building Official** a cash bond in the amount prescribed in Schedule A of this Bylaw. This bond may be applied by the Town in payment to itself for any costs or expenses, which may be incurred in repairing, installing or replacing any facilities constructed in the public properties or rights of way. In addition, this bond may be applied in whole or in part, by the Town, in payments to itself for any costs or expenses that may be incurred by the Town in placing, replacing, erecting or moving safety barriers, fencing, obstruction or warning lights, street cleaning, or any other safety measure on the site being developed or, adjacent highways, easements or rights of way which, in the opinion of the **Building Official**, are necessary for public safety and are a result of **work** authorized by the **building permit** or **work** which is incidental thereto. After the deduction of such costs, the cash bond shall be paid to the **applicant** upon the issuance of an **occupancy permit**.

17. DOCUMENTS ON SITE

- 17.1. Every owner to whom a **permit** has been issued shall keep posted in a conspicuous place on the property, the **building permit** and a poster or placard depicting the civic address, so that it may be easily read from a public highway or thoroughfare, and
- 17.2. keep a copy of the drawings and specifications, approved by the **Building Official** on site.

18. INSPECTIONS

- 18.1. Where a registered professional provides letters of assurance in accordance with this Bylaw, the Town will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to Part 2 Section 15.1 of this Bylaw as

assurance that **construction** substantially complies with the **Building Code**, this Bylaw, and other applicable enactments respecting safety.

- 18.2. Notwithstanding Section 18.1 of this Bylaw, the **Building Official** may attend the site of a **complex building** 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 professional.
- 18.3. The **Building Official** may attend periodically at the site 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** that pertain to health and safety, this bylaw, and any other applicable enactment respecting safety.
- 18.4. Every owner of a **standard building** shall give at least 24 hours notice to the Town when requesting an inspection and shall obtain an inspection and receive the **Building Official's** acceptance of the following safety aspects of the **work**, prior to concealing it:
 - (a) after the footing and foundation forms are complete and after having obtained a survey certificate from a qualified **Surveyor** as to their location, and the elevation of the garage floor slab, (if applicable), but prior to the placing of any concrete;
 - (b) after removal of formwork from a concrete foundation and the installation of perimeter drainpipe and damp-proofing, but prior to backfilling against the foundation;
 - (c) after granular base materials, damp-proofing membrane and reinforcing steel, (if applicable), has been placed for the installation of a concrete floor slab, but prior to placing concrete;
 - (d) after the installation and testing of underground or above ground plumbing including sanitary and storm sewers, **building** drains, infloor radiant heating and branch piping, water service or water distribution systems but before any part of the **plumbing system** is covered;
 - (e) after framing and sheathing of the **building** are complete, including fire-stopping, bracing, chimney, duct **work**, plumbing, gas venting, **building** ventilation and wiring;
 - (f) after placing of the insulation and vapor barrier, and
 - (g) after the **building** or **structure** is substantially complete and ready for occupancy, but prior to occupancy taking place of the whole or any part of the **building** or **structure**.
- 18.5. The requirements of Section 18.4 of this Bylaw do not apply to any aspect of the **work** that is the subject of letters of assurance provided by a registered professional in accordance with Section 15 of this Bylaw. Sections 18.1 and 18.2 will apply to those aspects of the **work**.
- 18.6. In all cases where it is proposed to discharge the waste from plumbing fixtures, trade waste or roof and surface storm water to a public sanitary or storm sewer, it is the responsibility of the **building** owner to expose and check the invert elevations of sewer connections to ensure that such public sewers are at a sufficient depth and of a sufficient capacity to receive such discharge.

19. OCCUPANCY PERMITS

- 19.1. Prior to occupancy of any **building** or part thereof after **construction** or alteration, or any change in use or class of occupancy, the owner shall obtain an **occupancy permit** from the **Building Official** in accordance with this section.
- 19.2. An **occupancy permit** shall not be issued unless;
- (a) all letters of assurance have been submitted where required by this Bylaw, and
 - (b) all aspects of the **work** requiring inspection and acceptance pursuant to Section 18 of this Bylaw have been inspected and accepted by the registered professional responsible for their design.
- 19.3. The **Building Official** may issue an **occupancy permit** for part of a **building** or **structure** where that part of the **building** or **structure** is self contained, provided with essential life safety services, and the requirements of Section 19.2 of this Bylaw have been met.
- 19.4. Where a person or persons occupy a **building** or **buildings** in contravention of Section 19 of this Bylaw, the **Building Official** may post a "DO NOT OCCUPY" notice. The owner of a **building** on which a do not occupy notice has been posted shall cease occupancy of the **building** immediately and shall refrain from further occupancy until the notice has been removed by the **Building Official**.

20. CLIMATIC DATA

- 20.1. Climatic data for all proposed **buildings** or **structures** within the Town of Osoyoos shall be derived from the B.C **Building Code**, Division B, Appendix C, Table C-2, as amended from time to time.
- 20.2. Local historical ground frost conditions dictate that no footing or foundation may extend to a depth less than 600mm below finished grade.
- 20.3. No exterior water service or water distribution pipe shall be located at a depth less than 1500mm below finished grade.

PART 3 – PLUMBING AND FIRE SUPPRESSION SYSTEMS

21. REQUIREMENTS AND SPECIFICATIONS

- 21.1. The design, installation and maintenance of **plumbing systems** shall conform to;
- (a) the standards, specifications and details forming part of this Bylaw and its appendices and the standards contained within the Town of Osoyoos **Subdivision Servicing Bylaw**, and
 - (b) the B.C. **Building Code**, Division B, Part 7 Plumbing Services together with the latest amendments and revisions thereto.

- 21.2. A **plumbing system** shall not be constructed, extended, altered, replaced or changes made to a sewer unless a **permit** to do so has been obtained.
- 21.3. The design, installation and maintenance of fire suppression systems shall conform to;
- (a) the B.C. **Building Code**, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting, and
 - (b) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire suppression systems.
- 21.4. A fire suppression system shall not be constructed, extended or altered unless a **permit** to do so has been obtained.
- 21.5. Where a **permit** is required, no plumbing or fire suppression system shall be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.
- 21.6. Grease interceptors shall be installed and maintained in food sector establishments, including commercial and institutional kitchens and food processing or manufacturing plants that discharge waste water containing oil or grease, and shall comply with the requirements of the B.C. **Building Code** Division B Part 7 Plumbing Services.
- 21.7. A grease interceptor shall be designed and sized with a flow capacity not less than the maximum discharge from fixtures connected to it and in no case smaller than 3.2L/sec. (50gpm).
- 21.8. **Building** sanitary sewers shall be fitted with a cleanout near the **building** or close to the property line conforming to the Town of Osoyoos **Subdivision Servicing Bylaw**.
- 21.9. Storm Drainage;
- (a) where a storm sewer connection is provided, storm water discharge must be connected to the Town of Osoyoos storm sewer system;
 - (b) where no storm sewer connection is provided, all storm water must be contained on private property and discharged to the ground through the use of drywells, rock pit or seepage trench;
 - (c) drywells, catch basins, sumps, piping and manholes shall be installed in accordance with the Town of Osoyoos **Subdivision Servicing Bylaw**;
 - (d) draitile and rainwater leaders shall be installed as two separately piped systems to the point of connection with a municipal storm sewer or approved private storm water disposal system. Rain water leaders and downspouts may be discharged to ground by way of splash pads provided that the discharge can be contained on private property;
 - (e) drywells, rock pits and seepage trenches shall be designed by a registered professional, experienced in the geotechnical discipline, where the **Building Official** has determined that a professional design is required in accordance with Part 2 Section 15 of this Bylaw.

PART 4 - BUILDING DEMOLITION AND BUILDING RELOCATION

22. REQUIREMENTS

- 22.1. No person shall demolish a **building** or **structure**, or move any **building** or **structure** from one parcel of land to another parcel of land within the Town or move a **building** or **structure** into the Town without first obtaining a **permit** for the **work**.
- 22.2. Prior to obtaining a **permit**, the owner of a **building** to be moved to any parcel or property within the Town shall;
- (a) submit plans showing the existing location of the **building** and the proposed site to which it is to be moved;
 - (b) deposit with the **Building Official** a security deposit in the sum of \$10,000.00 in a form satisfactory to the Town, to provide cost recovery against damages to public and municipal property of every kind, however caused or occasioned by the moving of the **building**;
 - (c) deposit with the **Building Official** a policy of public liability and property damage insurance in a form satisfactory to the Town, in the all inclusive limits of \$500,000.00 to indemnify the Town concerning damages caused by the moving of the **building**;
 - (d) pay to the Town the fee as described in Schedule A of this Bylaw for an inspection of the **building** to be moved, and
 - (e) notify the Town of Osoyoos Director of Public Works of the time, date and proposed route and notify all utility corporations having overhead wires or cables along the route.
- 22.3. Notwithstanding the requirements of Section Part 4 Section 22 of this Bylaw, newly constructed manufactured homes certified to the CSA A 277 standard and newly constructed mobile homes certified to the CSA Z 240 standard shall be exempt from the requirement of a pre-move inspection, if it can be shown that the relocation of such **buildings** are from their place of manufacture to an approved location within the Town.
- 22.4. Prior to the obtaining a demolition **permit**, the owner shall deposit with the Town a security deposit in the amount specified in Schedule A of this Bylaw. After the **building** or **structure** has been demolished, water and sewer services have been disconnected, waste materials have been disposed of at the appropriate facilities and the site has been maintained in a clean and safe condition, the security deposit may be refunded, in whole or in part, at the discretion of the **Building Official**.

PART 5 – SWIMMING POOLS

23. CONSTRUCTION REQUIREMENTS

- 23.1. No person shall commence **construction** of a **swimming pool** unless a **permit** has been issued for the **work**.

- 23.2. **Swimming pools** on private property shall conform to the regulations of this Bylaw and the Town of Osoyoos **Zoning Bylaw** and all other enactments respecting health and safety. Location of **swimming pools** on the property shall comply with the requirements for **accessory buildings** contained within the **Zoning Bylaw**.
- 23.3. Every application for a **swimming pool permit** shall be accompanied by a plan showing;
- (a) the location of the proposed pool and any **accessory buildings** in relation to existing **buildings** on the property in the form of a site plan drawn to scale;
 - (b) distances from the proposed pool and all existing **buildings** to the property boundaries;
 - (c) **construction** details for the pool and the proposed method of enclosure of the pool area, and
 - (d) approval of design from the Local Health Authority having jurisdiction, if the pool is accessible for public use.
- 23.4. Every **swimming pool** shall be enclosed on all sides by a fence or equivalent barrier, to a height of not less than 1.2m, measured from adjacent grade. Openings in the fence must be of a size that would prevent the passage of a spherical object having a diameter of 100mm or greater. The fence or barrier must be constructed so there are no climbable members between 100mm and 900mm from grade. Chain link fencing may be used, provided the openings do not exceed 50mm in size.
- 23.5. **Swimming pools** constructed at least 1.2 m above grade are required only to have the ladder or other pool access point enclosed by a fence, or, to remove the ladder or access point when the pool is not in use.
- 23.6. Gates in fences that provide access to pool areas must be equipped with self-closing and latching hardware. Self latching hardware must be located on the pool side of the gate and installed at least 900mm above adjacent grade.
- 23.7. In accordance with Part 2, Section 15 of this Bylaw, professional design and field review may be required, subject to the complexity of the design and the condition of soils where the pool is to be located.
- 23.8. **Swimming pools** intended for public use shall not be occupied until an Operating Permit for the pool has been issued by the Local Health Authority.
- 23.9. Drainage from **swimming pools** must be contained and disposed of on the same property as the pool is located and discharged to ground where practical to do so.

PART 6 – CITATION

This Bylaw may be cited as “Osoyoos *Building Bylaw No. 1251, 2009*”.

PART 7 – SCHEDULES

SCHEDULE “A”

FEES AND CHARGES

The schedule of fees to be charged for the issuance of *permits* under this Bylaw is as follows:

Buildings and Structures:

The fee for a Permit authorizing the **construction**, erection, alteration, addition or repair of a **building** or **structure** will be \$10.00 per \$1000.00 of the estimated **construction** value of the **work**, plus the following fees:

<i>Construction Value</i>	<i>Application Fee (At time of application; Non-refundable)</i>	<i>Administration Fee (At time of issuance)</i>
Less than \$20,000	\$150.00	\$100.00
\$20,000 to \$100,000	\$150.00	\$200.00
\$100,000 to \$1,000,000	\$150.00	\$500.00
\$1,000,000 to \$2,000,000	\$300.00	\$1000.00
\$2,000,000 and greater	\$300.00	\$2000.00

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Where a registered professional has provided letters of assurance as required by the B.C. **Building Code** and this bylaw, building permit fees will be reduced by 5%.

Plan Review Fee:

In addition to the required **building permit** fees, applications for **complex buildings** shall include a plan review deposit of \$2000.00. Upon issuance of a **building permit**, this deposit will be deducted from the total amount payable. If an application does not result in the issuance of a **building permit**, the deposit will be forfeit.

Plumbing Permits:

The **permit** fee for each plumbing fixture, including each fixture trap, hot water tank, roof drain, floor drain, catch basin, sump, manhole, oil interceptor, and grease interceptor shall be \$9.00 per fixture, when the plumbing **permit** is issued in conjunction with a **building permit**, and \$9.00 per fixture plus an administration fee of \$50.00 when a plumbing **permit** is issued separately.

Fire Suppression Systems:

- \$2.50 per sprinkler head for the first 50 heads
- \$1.00 per sprinkler head for systems with greater than 50 heads
- \$10.00 for each standpipe or hose connection
- \$10.00 for each fire department connection and hydrant

Swimming Pools:

Permit fees for the **construction** of a **swimming pool**:

- \$190.00 for private **swimming pools** in low density residential zones
- \$9.00 per thousand of the estimated **construction** value of the **swimming pool**, plus administration fee of \$50.00, for all public pools and pools constructed in medium or high density residential zones

Temporary Buildings:

Permit fee for a **temporary building** is \$300.00, plus an annual renewal fee of \$50.00 if applicable.

Building Move:

Permit fee for moving a **building** \$90.00, plus the security deposit and proof of insurance policy as required by Section 4.22.2 of this Bylaw.

Demolition:

Permit fee for demolition is \$90.00 for each **building** to be demolished.

Wood Burning Appliance:

Permit fee for the installation of a solid fuel burning appliance is \$100.00.

Reinspection Fee:

The fee for each inspection after the second inspection and rejection of the same **work** is \$50.00.

Special Inspection Fee:

The fee for a special inspection, at the request of a **building** owner is \$60.00 during normal hours of **work** and \$90.00 for an inspection outside of normal hours of **work**.

Permit Transfer Fee:

The fee for transfer of a **building permit** or **building permit** application from one owner or **agent** to another is 10% of the original **permit** fee, or \$90.00, whichever is greater.

Permit Extension Fee:

The fee for extension of a **building permit** shall be \$90.00 or 10% of the original **permit** fee, whichever is greater.

Security Deposits:

Single family dwelling:	\$750.00
Two family dwelling:	\$750.00
Multi family dwelling:	.75% of the estimated construction value to a maximum of \$50,000.00
Commercial:	.75% of the estimated construction value to a maximum of \$50,000.00
Industrial, Institutional:	.75% of the estimated construction value to a maximum of \$50,000.00
Demolition (per building):	\$750.00 – one or two family dwelling \$2,000.00 – all other buildings
Building move:	\$10,000.00
Swimming Pool	\$750.00

A security deposit is not required when a **permit** is issued for **construction** with a value of \$10,000.00 or less.

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SCHEDULE "B"

SCHEDULE "C"

NOTICE TO OWNER AND OWNER'S ACKNOWLEDGEMENT

The Town of Osoyoos Building Bylaw is enacted and retained for the purpose of regulating construction within the Town in the general public interest. The activities undertaken by or on behalf of the Town pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for the reasons of public health and safety.

1. I acknowledge that being granted the attached building permit I am responsible for compliance with the current edition of the B.C. Building Code, the Town of Osoyoos Building Bylaw and any other applicable enactment or standard relating to the work in respect of which the permit is issued, whether or not said work is undertaken by me or by those whom I may retain or employ to provide design and construction services.
2. I acknowledge that neither the issuance of a permit under this bylaw, the acceptance nor review of plans, specifications or drawings, documents, nor inspections made by or on behalf of the Town constitute a representation, warranty or assurance that the current edition of the B.C. Building Code, the Town of Osoyoos Building Bylaw, or any other applicable enactment code or standard has been complied with.
3. Where the Town requires that Letters of Assurance be provided by a Registered Professional pursuant to the Town of Osoyoos Building Bylaw, the B.C. Building Code and Section 290 of the Local Government Act, I have confirmed that I have been advised in writing by the Town that it has relied on the Letters of Assurance prepared by the Registered Professionals associated with this permit in reviewing the plans, drawings, specifications and supporting documents submitted with the application for this building permit.
4. I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawings, specifications and supporting documents submitted with this application.
5. I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a building permit by the Town pursuant to this application and in respect to the execution of this acknowledgement.

APPLICANT'S SIGNATURE _____

DATE _____

PRINT NAME _____

OWNER: ☐

AGENT: ☐

