

THE CITY OF ARMSTRONG

BYLAW No., 1903, 2022

Building Bylaw

CONTENTS

PART 1: TITLE	4
Citations	4
PART 2: PURPOSE OF BYLAW	4
PART 3: SCOPE AND EXEMPTIONS.....	5
Application	5
Exemptions.....	5
Limited Application to Existing Buildings	5
PART 4: PROHIBITIONS.....	6
PART 5: PERMIT CONDITIONS	7
PART 6: POWERS AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.....	7
Administration	7
Refusal and Revocation of Permits	8
Right of Entry	8
Powers	8
PART 7: OWNER'S RESPONSIBILITIES.....	9
Application for Permit.....	9
Compliance	10
Owner's Undertaking	10
Owner's Obligations.....	10
Damage to Municipal Works.....	10
Equivalents.....	11
Demolition.....	11
Demolition Deposit	12
Notice	12
PART 8: CONSTRUCTOR'S OBLIGATIONS.....	12
PART 9: REGISTERED PROFESSIONALS' RESPONSIBILITIES	13
Professional Design and Field Review	13
Requirement for a Registered Professional	13
Professional Plan Certification	14
Alternative solutions.....	14

PART 10: BUILDING PERMIT APPLICATIONS.....	14
Building Permit Applications for simple buildings.....	14
Building Permit Applications for Complex Buildings	16
Survey Required in Connection with a Building Permit Application	18
Building Permit Fees.....	19
Security Deposit with Building Permit Application.....	19
Permit Fee Refunds	20
Expiration of Application for a Permit.....	20
Issuance of a Building Permit.....	20
Compliance with the Homeowner Protection Act	21
Conditions of a Building Permit.....	21
Inspection	21
Stop Work Order.....	22
Do Not Occupy Notice	23
Inspection and Other Fees	23
Permit Expiration	24
Permit Extension	24
Building Permit Revocation.....	24
Building Permit Cancellation.....	24
Final Inspection.....	25
Numbering of <i>Buildings</i>	26
PART 11: RETAINING WALLS.....	26
Permit.....	26
Design and Field Review	26
PART 12: POOLS	27
Swimming Pool Fencing.....	27
Pool Gate.....	27
Spa or Hot Tub Lid	27
PART 13: ENERGY CONSERVATION AND GHG EMISSION REDUCTION	27
PART 14: CLIMACTIC DATA.....	27
PART 15: OFFENCES	28
Violations	28
Deemed Offence	28
Ticketing	29

PART 16: INTERPRETATION	29
Definitions	29
Severability	31
PART 17: REPEAL	32

**THE CITY OF ARMSTRONG
BYLAW No. 1903, 2022**

BUILDING BYLAW

A Bylaw for the Administration of the *Building Code*

WHEREAS the Province of British Columbia has enacted the British Columbia *Building Code* to govern standards in respect of the construction, *alteration*, repair and demolition of *buildings* and *structures* in municipalities;

AND WHEREAS the Province by enactment has authorized that Council may by bylaw regulate, prohibit and impose requirements in respect to *buildings* and *structures* under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):

- a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- b) the conservation of energy or water;
- c) the reduction of greenhouse gas emissions;
- d) the health, safety or protection of persons or property;

AND WHEREAS the City of Armstrong is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in the City of Armstrong in accordance with the *Community Charter* and the *Building Act*;

AND WHEREAS the City of Armstrong has employed trained *building officials* for the purposes of this bylaw; to regulate the construction, *alteration*, repair or demolition of *buildings* and *structures* by bylaw;

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

NOW THEREFORE the Council of the City of Armstrong, in an open meeting assembled, enacts as follows:

PART 1: TITLE

Citations

This bylaw may be cited as “*City of Armstrong Building Bylaw No. 1903, 2022*”.

PART 2: PURPOSE OF BYLAW

- 2.1) Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2) This bylaw is enacted for the purpose of regulating construction in the *City* in the general public interest.
- 2.3) The activities undertaken by or on behalf of the *City* under this bylaw are for the sole purpose of providing a limited and interim spot-checking function for reasons of health, safety and the protection of persons and property. The purpose of this bylaw does not extend to:

- a) the protection of *owners*, *owner/builders* or *constructors* from economic loss;
- b) the assumption by the *City* or any *Building Official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees, *constructors* or *designers* retained by him or her, with the *Building Code*, the requirements of this bylaw, or any other applicable enactments, codes or standards;
- c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or final inspection is completed under this bylaw;
- d) providing a warranty or assurance that construction undertaken under *building permits* issued by the *City* is free from latent, or any, defects; or
- e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1) This bylaw applies to the geographical area of the *City* and to land, the surface of water, air space, *buildings* and *structures* in the *City*.
- 3.2) This bylaw applies to the design, construction and *occupancy* of new *buildings* and *structures*, and the *alteration*, reconstruction, demolition, removal, relocation and *occupancy* of *existing buildings* and *structures*.
- 3.3) This bylaw applies to the installation, *alteration* or repair of *plumbing* systems.

Exemptions

- 3.4) This bylaw does not apply to:
 - a) *buildings* or *structures* exempted by Part 1 of the *Building Code* except as expressly provided herein;
 - b) except as set out in Part 12 of this bylaw, a fence permitted to be constructed under the *City's* zoning bylaw;
 - c) a trellis, an arbour, a wall supporting soil less than 1.2 metres in height, and other such landscape features on a parcel zoned for single-family *residential occupancy* uses under the *City's* zoning bylaw, and which does not create a hazard;
 - d) an accessory *building* without *plumbing* less than 10 square metres in *building area* that does not create a hazard;
 - e) non-structural repair, *alteration* or maintenance of lawfully conforming *structures* or the repair or replacement of *plumbing* works;
 - f) bridges, except pedestrian and vehicle bridges attached to *buildings*;
 - g) deck *additions*, except a deck where the difference in elevation between the deck surface and the ground surface at any point is 0.6 metres or more and on the condition that the deck is sited in accordance with the zoning bylaw; and
 - h) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the work does not involve or require the rearrangement of valves, pipes or fixtures or hot water tanks.

Limited Application to Existing Buildings

- 3.5) Except as provided in the *Building Code* or to the extent an *existing building* is under construction or does not have a final inspection report, when an *existing building* has been constructed before the enactment of this bylaw, the enactment of this bylaw is not to be

interpreted as requiring that the *building* must be reconstructed and altered, unless it is by this or another bylaw, regulation or statute expressly so provided.

- 3.6) This bylaw applies if the whole or any part of a *building* is moved either within or into the *City*, including relocation relative to parcel lines created by subdivision or consolidation, and in accordance with the *City's Zoning Bylaw*.
- 3.7) If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and *Building Code* and the entire *building* must be made to comply with this bylaw and *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration*.
- 3.8) If an *alteration* creates an *addition* to an *existing building*, the alteration or *addition* must comply with this bylaw and the *Building Code* and the entire *building* must be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the *building* as a result of the *alteration* or *addition*.

PART 4: PROHIBITIONS

- 4.1) 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, except in conformity with the requirements of the *Building Code* and this bylaw.
- 4.2) No person shall commence or continue any construction, *alteration*, reconstruction, demolition, removal, relocation or change the use or *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 under this bylaw.
- 4.3) No person shall install or alter *plumbing* systems unless the *Building Official* has issued a *permit* pursuant to the requirements of this bylaw.
- 4.4) No person shall occupy or permit the *occupancy* of any *building* or *structure* or part of any *building* or *structure* until the *Building Official* has issued a final inspection notice for it.
- 4.5) No person shall knowingly submit false or misleading information to a *Building Official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- 4.6) No person shall erase, alter or modify plans and supporting documents after the same have been reviewed by the *Building Inspector*, or plans and supporting documents which have been filed for reference with the *Building Official* after a *permit* has been issued.
- 4.7) No person shall, unless authorized in writing by a *Building Official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.8) No person shall do any work that is substantially at variance with the *accepted* design or plans of a *building*, *structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *Building Official*.
- 4.9) No person shall interfere with or obstruct the entry of a *Building Official* or other authorized official of the *City* on property in the administration of this bylaw.

- 4.10) No person may change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.
- 4.11) No person may cover or conceal any works required to be inspected under this bylaw without first obtaining written acceptance from the *Building Official*.
- 4.12) No person may continue any work if a Stop Work Order is posted by a *Building Official* other than the remedial actions required by the notice.
- 4.13) No person may occupy a *building*, *structure*, or part of a *building* or *structure* if a Do Not Occupy notice is posted by a *Building Official*.

PART 5: PERMIT CONDITIONS

- 5.1) A *permit* is required whenever work regulated under this bylaw is to be undertaken.
- 5.2) Neither the issuance of a permit under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *City* shall in any way relieve the *owner* or his or her representative from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and any other applicable enactments respecting safety.
- 5.3) Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *City* constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with.
- 5.4) Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *City* shall in any way constitute a representation or warranty that the *building* or *structure* meets any standard of materials or workmanship.
- 5.5) No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.6) It is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code*, this bylaw and all other applicable codes, standards and enactments.

PART 6: POWERS AND RESPONSIBILITIES OF THE BUILDING OFFICIAL

Administration

- 6.1) The *Building Official* shall administer this bylaw.
- 6.2) Words defining the authority of the *Building Official* are to be construed as internal administrative directions and not as creating a duty.
- 6.3) The *Building Official* may:

- a) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
- b) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *Building Code*; and
- c) may direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *Building Code*.

Refusal and Revocation of Permits

- 6.6) The *Building Official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other bylaw of the *City* and must state the reason in writing.
- 6.7) The *Building Official* may revoke a permit if, in his or her opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *Building Code* or the provisions of this bylaw, or both, or if all permits required under this bylaw have not been obtained.

Right of Entry

- 6.8) Subject to section 16 of the Community Charter, the *Building Official* may enter on property at any reasonable time to ascertain whether the requirements of this bylaw are being met.
- 6.9) If a *building* that is permitted under the *City's* zoning bylaw to be used for a *residential occupancy* is occupied, the *Building Official* must, prior to entering the residence under section 6.8:
 - a) obtain the prior consent of an occupant; or
 - b) deliver to an occupant at least 24 hours written notice of the proposed entry.
- 6.10) The *Building Official* must ensure that any person entering on property is carrying credentials that identify him or her as the *City's* authorized representative.

Powers

- 6.11) Subject to applicable enactments, a *Building Official* may by notice in writing order:
 - a) a person who contravenes any provision of this bylaw to comply with that provision within the time period ordered;
 - b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the *City* or other applicable enactments respecting safety, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form provided by the *City*;
 - c) an *owner* to remove any unauthorized encroachment on public parcel, a statutory right away or easement, or a setback or yard requirement under an enactment;
 - d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, constructed in contravention of a provision of this bylaw;
 - e) an *owner* to have work inspected by the *Building Official* prior to covering;

- f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by the *Building Official*;
 - g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
 - h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *Building Official* has not issued a final inspection notice;
 - i) an *owner* to correct any *unsafe condition*; and
 - j) an *owner* to correct any work that contravenes this bylaw, the *Building Code*, or any other enactment of the *City*;
- 6.12 Every reference to *owner* in section 6.11 includes a reference to the *owner's agent* or *constructor*;
- 6.13 Every person served with an order under this section must comply with that order:
- a) within the time ordered, or
 - b) if no time is ordered, immediately.

PART 7: OWNER'S RESPONSIBILITIES

Application for Permit

- 7.1) Subject to Part 10 of this bylaw, every *owner* shall apply for and obtain a permit prior to:
- a) *constructing*, repairing or altering a *building* or *structure*;
 - b) moving a *building* or *structure* into or within the *City*;
 - c) demolishing a *building* or *structure*;
 - d) occupying a new *building* or *structure*;
 - e) installing or modifying a commercial cooking facility or ventilation system used in a process producing grease-laden vapours;
 - f) installing or modifying a fire alarm system or sprinkler system unless the works are encompassed by another valid *building permit*;
 - g) *constructing* a masonry fireplace or installing a wood burning appliance or *chimney*, unless the works are encompassed by another valid *building permit*;
 - h) installation, *alteration* or repair of *plumbing* or fire suppression systems unless the works are encompassed by another valid *building permit*;
 - i) *constructing* or installing a sign, with the exception of a sign painted on the side of a *building*, as permitted in the *City's* zoning and sign bylaws; and
 - j) *constructing*, repairing or altering a *retaining wall* greater than 1.2 meters in height.
 - k) placement or removal of fuel storage tanks;
 - l) installation of *temporary buildings*, including fabric covered *structures*;
 - m) installation or *alteration* of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection systems to NFPA 664;
 - n) *constructing additions*, or *alterations* of onsite services for manufactured home parks;
 - o) *constructing swimming pools*, hot tub installation, and *swimming pool fences*;
 - p) change use of *occupancy* classification for a *building* or part of a *building*;
 - q) *constructing* a new secondary or accessory suite;
 - r) any structural change, *alteration*, or repair to any *building* or *structure*;
 - s) demolition of *building* or *structure*, and

- t) sign *structures* including free standing signs, awnings, canopies, or marquees; unless the works are the subject of another valid and subsisting *building permit*;
- 7.2) An application for a *permit* shall be made in the form provided by the *City*.
- 7.3) Every *owner* shall ensure that plans submitted with a permit application bear the name and address of the *designer* of the *building* or *structure*, if designed by a *designer*.

Compliance

- 7.4) Every *owner* must comply with the *Building Code*, the requirements of this bylaw and the conditions of a *permit* and must not omit to do any work required by the *Building Code*, this bylaw or the conditions of a *permit*.

Owner's Undertaking

- 7.5) Where required by the *Building Official*, every *owner* must, prior to the issuance of a *building permit*, execute and submit to the *City* an *owner's* undertaking in the form provided by the *City*.

Owner's Obligations

- 7.6) Every *owner* must ensure that all *permits*, all plans and specifications and supporting documents on which a permit was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *Building Official*, and that all permits are posted conspicuously on the site during the entire execution of the work.
- 7.7) Every *owner*, or his or her *agent*, must carry out construction or have the construction carried out in accordance with the requirements of the *Building Code*, this bylaw and other bylaws of the *City* and neither the issuance of a permit under this bylaw, the review of plans and supporting documents, nor inspections made by the *Building Official* or a *registered professional* relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and other enactments.
- 7.8) Every *owner* must allow the *Building Official* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing this bylaw. Every *owner* to whom a *permit* is issued must, during construction,
 - a) post the civic address on the property so that it may be easily read from the public *highway* from which the property takes its address; and
 - b) post the permit on the property so that it may be easily read from the public *highway* from which the property takes its address.

Damage to Municipal Works

- 7.9) Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works that occurs during and arises directly or indirectly from the work authorized by the permit;
- 7.10) In addition to payment of security deposit under section 10.8 through 10.14 every *owner* must pay to the *City* within 30 days of receiving an invoice for same from the *City*, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which the *permit* was issued:

Equivalents

- 7.11) Every *owner* who wishes to provide an *alternative solution* to satisfy one or more of the requirements of the *Building Code* or this bylaw must submit sufficient evidence to demonstrate that the proposed *alternative solution* will provide the level of performance required by the *Building Code* and this bylaw, and must pay the *permit* modification fee set out in the *City of Armstrong Rates, Fees and Charges Bylaw*.

Demolition

- 7.12) No *owner* shall demolish or cause to be demolished any *building* or *structure* without first obtaining a permit to carry out such demolition.
- 7.13) An Application for a Demolition *Permit* shall be submitted in the form provided by the *City*.
- 7.14) This section does not apply to *structures* other than *buildings* less than 15.0 metres in height, or accessory *buildings* that are one storey or less in height provided that there are no service works connected to the *building*.
- 7.15) Prior to obtaining a *permit* to demolish a *building* or *structure* the *owner* must:
- a) provide to the *City* a vacancy date;
 - b) pay all applicable fees, including water and sewer disconnection fees, as specified in *City of Armstrong Rates, Fees and Charges Bylaw*, including any penalty outlined;
 - c) provide a hazardous material assessment from a qualified person in this field, and remediation clearance letter for the *buildings* prior to 1990;
 - d) ensure that all municipal services, and other services, are capped and terminated at the property line in a *City* standard inspection chamber and valve arrangement;
 - e) ensure that pre-arrangements are made with the landfill for disposal of demolition debris; and
 - f) ensure that, completion of demolition procedures includes clearing all debris and fill, removing decommissioned septic tanks, removing *foundations*, and levelling or grading the site.
 - g) Provide a fire safety plan in conformance with Section 5.6 of the BC Fire Code;
 - h) Fencing must be provided to protect public, must be 1.8 m high and surround entire demolition site with locking gate;
- 7.16) The *Building Official* may issue a permit for which the application is made in the form provided by the *City*:
- a) no covenant, agreement, resolution or regulation of the *City* authorizes the permit to be withheld.
 - b) the *building* or *structure* is not a protected heritage property, and is not subject to temporary heritage protection or is identified in a community heritage registry pursuant to the *Heritage Conservation Act* or the *Local Government Act*; or
 - c) in the case of a residence, the *building* is not occupied.
- 7.17) A *permit* for demolition shall be valid for 90 days from the date of issuance of the demolition *permit* after which the *permit* expires. Should demolition not have commenced by the 90-day expiry date the *Building Official* may at their discretion cancel the *permit* by written notification;

Demolition Deposit

- 7.18) An applicant for a *permit* for demolition shall pay the Demolition Deposit as specified in *City of Armstrong Rates, Fees and Charges Bylaw* before the issuance of the *permit* to ensure the work is completed and the site is rehabilitated.
- 7.19) Where a *building* or *structure* is demolished under a *permit*, and where:
- a) the property is rehabilitated in a tidy and safe condition;
 - b) all waste debris has been removed;
 - c) any septic tank or other underground storage facility has been removed; and
 - d) any barricade or covered way has been dismantled;

The *Building Official* shall return the Demolition Deposit to the applicant.

Notice

- 7.20) Every *owner* must give notice in writing to the *Building Official* of any change in or termination of engagement of a *registered professional* during the course of construction immediately when the change or termination occurs.
- 7.21) If an *owner* terminates the engagement of a *registered professional*, the *owner* must terminate the work until the *owner* has engaged a new *registered professional* and has delivered to the *Building Official* letters of assurance.
- 7.22) Without limiting sections 10.30 to 10.47, every *owner* must give at least 48 hours' notice, not including weekends and statutory holidays, to the *Building Official*:
- a) of intent to do work that is required or ordered to be inspected during construction;
 - b) of intent to cover work that has been ordered to be inspected prior to covering; and
 - c) when work has been completed so that a final inspection can be made.
- 7.23) Every *owner* must give notice in writing to the *Building Official* and pay the fees set out in *City of Armstrong Rates, Fees and Charges Bylaw* immediately upon any change in ownership or change in the address of the *owner* which occurs prior to final inspection.
- 7.24) Every *owner* must give such other notice to the *Building Official* as may be required by the *Building Inspector* or by a provision of this bylaw.

PART 8: CONSTRUCTOR'S OBLIGATIONS

- 8.1) Every *constructor* must ensure that all construction is done in compliance with all requirements of the *Building Code*, this bylaw and all other applicable enactments respecting safety.
- 8.2) Every *constructor* must ensure that no *excavation* or other work is undertaken on public property or adjacent private property, and that no land is disturbed, no *building* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public or private property.
- 8.3) Every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 9: REGISTERED PROFESSIONALS' RESPONSIBILITIES

Professional Design and Field Review

- 9.1) If a *Building Official* considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require:
- a) a *registered professional* to provide design and plan certification and *field review* supported by letters of assurance in the form prescribed in the *Building Code*; and
 - b) a geotechnical engineer to determine bearing capacity for every parcel in by providing design and plan certification and *field review* supported by letters of assurance in the form prescribed in the *Building Code*.
- 9.2) Prior to the coordinated pre-occupancy site review for a *complex building*, or prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of this bylaw, the *owner* must provide the *City* with letters of assurance in the form prescribed in the *Building Code*.
- 9.3) If a *registered professional* provides letters of assurance in accordance with the requirements of this bylaw, he or she must also provide proof of professional liability insurance to the *Building Official* in the form provided by the *City*.

Requirement for a Registered Professional

- 9.4) The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B as referred to in subsection 2.2.7, Division C, of the *Building Code*, in respect of a *permit* application:
- a) a *complex building*;
 - b) a *simple building constructed* on, or contiguous to, a *complex building*;
 - i. except for garages, carports and garden *structures* located on land zoned for single family use, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings*;
 - c) structural components of *buildings* that fall within the scope of Division B Part 4 of the *Building Code*;
 - d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* according to the *Building Code*;
 - e) *alterations* to a *building* or *structure* described in paragraph 10.4.a), 10.4.b), or 10.4.c) of this bylaw;
 - f) a *building* or *structure* subject to section 10.1 in respect of which the *Building Inspector* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property;
 - g) the *building* envelope components of all *buildings* that fall under Division B Part 3 of the *Building Code*, all residential *buildings* that contain more than two dwellings, and all other *buildings* whose *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *Building Code*;
 - h) for a parcel of land on which a building or structure is proposed if the building official believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a professional design is in addition to a requirement under Division 8 of Part 3 of the Community Charter

- i. a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - ii. that the plans submitted with the application comply with the relevant provisions of the building code and applicable bylaws of the City.
- 9.5) The *Building Official* may require the *registered professional* carrying out the *professional design* and *field* review of a *building* envelope to provide evidence that he or she has experience and expertise in respect of the *professional design* and *field review* of *building* envelopes.

Professional Plan Certification

- 9.6) The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *Building Code* are relied upon by the *City* and its *Building Officials* 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 relating to protection.
- 9.7) Letters of assurances must be in the form of Schedule A or B referred to in subsection 2.2.7, Division C, of the *Building Code*:
- 9.8) A *building permit* issued for the construction of a *complex building*, or for the construction of a *simple building* for which a *Building Official* has required a *professional design* or the *owner* and/or the *owner's agent* has opted to utilize a *professional design* for all aspects of design and review under section 10.1 or 10.3, must be in the form provided by the *City*, and letters of assurance pursuant to section 10.1 or 10.3 of this bylaw must be in the form prescribed in the *Building Code*.
- 9.9) A *building permit* issued under section 10.21 of this bylaw must include a notice to the *owner* that the *building permit* is issued in reliance on the certification of the *registered professional* that the professional design and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments relating to protection.
- 9.10) When a *building permit* is issued pursuant to section 10.21 of this bylaw, a *permit* fee payable will be reduced by 20% for the first \$500,000 value of construction amount and 50% for the remaining value of construction amount pursuant to Schedule A to this bylaw.

Alternative solutions

- 9.11) An *owner* who wishes to provide *alternative solutions* to satisfy one or more of the requirements of the *Building Code* or this bylaw must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed *alternative solutions* will provide the level of performance required by the *Building Code* or this bylaw:

PART 10: BUILDING PERMIT APPLICATIONS

Building Permit Applications for simple buildings

- 10.1) An application for a *building permit* with respect to a *simple building* must:
 - a) be made in the form provided by the *City* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form provided by the *City*, and signed by the *owner*, or a signing officer if the *owner* is a corporation;

- c) include a copy of a title search for the relevant property dated within 30 days of the date of the *permit* application, along with copies of any charges registered on the title, excluding financial charges;
- d) include a copy of an up-to-date survey plan prepared by a British Columbia land surveyor, except that the *Building Official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- e) include a site plan prepared by a *registered professional* showing, where required:
 - 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - iv. the location and dimensions of existing and proposed buildings or structures on the parcel;
 - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - vi. north arrow;
 - vii. the location, dimensions and gradient of parking and parking access;
 - viii. proposed and existing setbacks to property lines;
 - ix. natural and finished grade at building corners and datum determination points;
 - x. main floor elevation;
 - xi. location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
 - xii. location and species of all trees greater than 10 centimetres in diameter;
 - xiii. access routes for firefighting;
 - xiv. accessible paths of travel from the street to the *building*;
 - xv. if a secondary suite or carriage house is proposed, show the parking, private amenity space with screening, and the lighted pathway from parking to the entrance door;
 - xvi. line of upper floors;
 - xvii. location and elevation of curbs, sidewalks, manholes and service poles;
 - xviii. location of existing and proposed service connections;
 - xix. include a site drainage plan;
 - xx. include a landscape plan in accordance with the *City's* zoning bylaw;
 - xxi. location of top bank and water courses; and
 - xxii. the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the *City's* land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;
- f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl spaces 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;
- g) include a cross-section through the building or structure illustrating *foundations*, drainage, ceiling heights and construction systems;
- h) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, the building height base line, the maximum building

height line, ridge height, spatial separations and natural and finished grade to illustrate that the building complies with the building code and to illustrate that the *building* or *structure* conforms with the *City* zoning, development variance permit and development permit;

- m. 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*;
- n. include copies of approvals required under any enactment relating to riparian areas, health or safety, including, without limitation, sewage disposal permits, highway access permits and ministry of health approvals;
- o. except for garages, carports and garden *structures* located on land zoned for single family use, include a *foundation* and excavation design prepared by a *registered professional* in accordance with section 4.2 of Division B Part 4 of the *Building Code*, accompanied by letters of assurance in the form prescribed in the *Building Code*, signed by the *registered professional*;
- i. evidence of compliance with the Building Code energy regulations;
- p. include geotechnical letters of assurance, in addition to a required geotechnical report, if the building official determines that the site conditions so warrant;; and include two sets of drawings, all measurements shown in metric, at a suitable scale of design including the information set out in sections 10.1.g) to 11.0.i) of this bylaw, including a building code compliance summary including the applicable edition of the building code, such as, without limitation, whether the building is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *Building Code*.

10.2) Except that for a *simple building* the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*.

Building Permit Applications for Complex Buildings

10.3) An application for a *building permit* with respect to a *complex building* must:

- a) be made in the form provided by the *City*, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form provided by the *City*, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- c) include a copy of a title search for the relevant property dated within the last 30 days of the date of the *permit* application, along with copies of any charges registered on the title, excluding financial charges;
- d) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as Division B Part 3 or Division B Part 9 designation, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, accessible entrances, firewalls, work areas, washrooms and facilities;
- e) include a copy of an up-to-date survey plan prepared by a British Columbia land surveyor;
- f) include a site plan prepared by a *registered professional* 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
- iv. the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
- v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
- vi. north arrow;
- vii. location of the frontage road, driveways and other roadways including dimensions, gradient, and access of *existing* and proposed driveways to access any proposed dwelling;
- viii. zoning compliance summary;
- ix. the location, dimensions and gradient of parking and parking access;
- x. proposed and *existing* setbacks to property lines;
- xi. natural and finished *grade* at *building* corners and significant breaks in the *building* plan;
- xii. main floor elevation;
- xiii. location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- xiv. location and species of all trees greater than 10 centimetres in diameter;
- xv. line of upper floors;
- xvi. location and elevation of curbs, sidewalks, manholes, and service poles;
- xvii. location of *existing* and proposed service connections;
- xviii. location of top bank and water courses;
- xix. access routes for fire-fighting;
- xx. accessible paths of travel from the street to the *building*;
- xxi. geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *City's* land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

except that the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- g) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of *crawl spaces* and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; *plumbing* fixtures; structural elements; and stair dimensions;
- h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
- i) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to illustrate that the *building* or *structure* substantially conforms to the *Building Code*, *City* zoning bylaw and any applicable development or development variance permit;

- j) 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*;
 - k) include copies of approvals required under any enactment relating to riparian areas or health or safety, including, without limitation, sewage disposal permits, *highway* access permits and ministry of health approvals;
 - l) include a letter of assurance in the form prescribed in the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
 - m) include letters of assurance in the form prescribed in the *Building Code*, each signed by such *registered professionals* as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building* or *structure*;
 - n) include two sets of drawings, all measurements shown in metric, at a suitable scale of the design prepared by each *registered professional* containing the information set out in sections 10.3.g) to 10.3.j) of this bylaw;
 - o) include illustration of any slopes on the subject parcel that exceed 30%; and
 - p) include a site drainage plan.
- 10.4) In addition to the requirements of section 10.3 of this bylaw, a *Building Official* may require the following to be submitted with a permit application for the construction of a *complex building* if the complexity of the proposed *building* or *structure* or siting circumstances warrant
- a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the *City's* subdivision and development servicing bylaw;
 - b) a section through the site showing grades, buildings, structures, parking areas and driveways; and
 - c) any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Survey Required in Connection with a Building Permit Application

- 10.5) Without limiting sections 10.1.d) or 10.3.e) of this bylaw, the *Building Official* may order any *owner* to submit an up-to-date plan of survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* in order to:
- a) establish, before construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
 - b) verify, on completion of the construction, that all provisions of this and other applicable bylaws have been complied with;
 - c) in relation to an *existing building* substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring *grades*; and
 - d) in relation to construction of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the elevation at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation;

and every person served with an order under this section must comply with the order.

Building Permit Fees

- 10.6) Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *City*:
- a) all applicable non-refundable and refundable fees prescribed in the *City of Armstrong Rates, Fees and Charges Bylaw*; and
 - b) any fees, charges, levies or taxes imposed by the *City* and payable under an enactment at the time of issuance of the *building permit*.
- 10.7) *Building Permit* fees will be incremental, in accordance with *City of Armstrong Rates, Fees and Charges Bylaw*, and based on the calculated *value of the work*.

Security Deposit with Building Permit Application

- 10.8) An applicant for a *building permit* must pay to the *City*, at the time of issue, applicable security deposits as set out *City of Armstrong Rates, Fees and Charges Bylaw*.
- 10.9) The security deposit sum:
- a) covers the cost borne by the *City* to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to any *building permit* held by the applicant;
 - b) covers the cost borne by the *City* to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
 - c) serves as the security deposit for a final inspection;
 - d) serves as a security deposit for the purpose of affecting compliance with any condition under which the *permit* was issued.
 - e) serves as a security deposit to cover the non-payment of fees including re-inspection and special inspection fees.
- 10.10) The *City* may waive security deposits that are not applicable for certain aspects of a *building permit* application.
- 10.11) The security deposits must be returned to the applicant without interest:
- a) when the *City* is satisfied that no further damage to public works or public lands will occur;
 - b) when the inspections required by this bylaw are complete and acceptable to the *Building Official*;
 - c) when the conditions or provisions of a final inspection are completed to the satisfaction of the *Building Official*; or
 - d) any combination of 10.11. a), b), or c).
- 10.12) If damage to public works or public lands, which is the *owner's* responsibility, is not resolved by the *owner* prior to the issuance of a final inspection report, or within such other time limit set by the *Building Official*, and the damage requires the *City* to resolve, the costs so incurred by the *City* shall be deducted from the security deposits. Any remaining security deposits shall be returned to the applicant in accordance with section 11.11. Costs that exceed the sum of security deposits shall be invoiced to the *owner*. Any such invoices not paid by December 31 of the current year may be transferred to the *owner's* property tax account as taxes in arrears pursuant to provisions of the Community Charter.

10.13) If the *constructor* or *owner* fails to notify the *City* to pull the sanitary sewer plug prior to *occupancy* resulting in sewer backflow, damage to private property is the sole responsibility of the *owner* and any related costs incurred by the *City* to resolve shall be deducted from security deposits.

10.14) Security deposits unclaimed after 180 days of the expiry of a *building permit* may be forfeited the *owner* and transferred to the *City*.

Permit Fee Refunds

10.15) No fee or part of a fee paid to the *City* may be refunded if construction of the *building* has started.

10.16) A *building permit* fee may be partially refunded as set out in *City of Armstrong Rates, Fees and Charges Bylaw*, only if:

- a) the *owner* has submitted a written request for a refund;
- b) the *Building Official* has certified a start has not been made on the construction of the *building* or *structure*; and
- c) the *permit* has not expired.

10.17) A *building permit* fee is not refundable after the *permit* has been extended under section 10.51.

10.18) If an issued *building permit* is active and the *owner* proposes modification to the *building* design whereby the value of construction does not increase or the value of construction decreases, the *owner* must first pay to the *City* a *building permit* fee based on the hourly rate set out in *City of Armstrong Rates, Fees and Charges Bylaw*.

10.19) The *building permit* fee is doubled for every *permit* application if construction commenced before the *Building Official* issued a *permit*, to a maximum of \$5,000.00.

Expiration of Application for a Permit

10.20) A *building permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the *City*.

Issuance of a Building Permit

10.21) If:

- a) a completed application in compliance with sections 10.1 or sections 10.3 and 10.4 of this bylaw, including all required supporting documentation, has been submitted;
- b) the *owner* has paid all applicable fees set out in *City of Armstrong Rates, Fees and Charges Bylaw*;
- c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw or by the provisions of the *Engineers and Geoscientists Act*;
- e) the *owner* has retained an architect if required by the provisions of the *Architects Act*;
- f) no covenant, agreement, resolution or regulation of the *City* requires or authorizes the *permit* to be withheld;

the *Building Official* must issue the *permit*, in the form provided by the *City*, for which the application is made, and the date of issuance is deemed to be the date the *City* notifies the *owner* that the *permit* is ready to be picked up by the *owner*.

10.22) Notwithstanding 10.21, the *Building Official* may issue a *building permit* for stages of construction.

10.23) The *Building Official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw with regard to the construction of another *building* or *structure* by the *owner*.

Compliance with the Homeowner Protection Act

10.24) If the application is in respect of a *building* that includes, or will include, a *residential occupancy*, the *building permit* must not be issued unless the *owner* provides evidence as per the *Homeowner Protection Act*, that the proposed *building*:

- a) is covered by home warranty insurance; and
- b) the *constructor* is a licensed residential builder under the *Homeowner Protection Act*.

10.25) Section 10.24 of this bylaw does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with the *Homeowner Protection Act*.

10.26) Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

Conditions of a Building Permit

10.27) A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *Building Official* in writing, the *Building Official* has authorized the transfer or assignment in writing and the *owner* has paid the fees required under Schedule A. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

10.28) The review of plans and supporting documents and issuance of a *building permit* do not prevent the *Building Official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

Inspection

10.29) If a *registered professional* provides letters of assurance in accordance with this Part, the *City* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety or protection.

10.30) Despite section 10.29 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*.

10.31) A *Building Official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.

- 10.32) Site inspections will be in accordance with the stages as required by the *City*.
- 10.33) For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice, not including weekends and statutory holidays, to the *City* when requesting an inspection and must obtain an inspection and receive a *Building Official's* written acceptance of the work prior to concealing them.
- 10.34) A building official will carry out an inspection under section 10.33 if the *owner* or the *owner's agent* has requested the inspection by phone or in writing in accordance with this bylaw.
- 10.35) Despite the requirement for the *Building Official's* acceptance of the work outlined in section 10.33, if a registered professional provides letters of assurance, the *City* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the *construction* referenced by those letters of assurance substantially conform to the design, plans and specifications and that the construction complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- 10.36) No aspect of the work referred to in section 10.33 of this bylaw shall be concealed until a *Building Official* has *accepted* it in writing.
- 10.37) For work in respect of *complex buildings* the *owner* must:
- a) give at least 48 hours' notice to the *City* when requesting a preconstruction meeting with the *Building Official* prior to the start of construction, and the *owner* or his or her representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance.
 - b) give at least 48 hours' notice to the *City* when requesting a pre-occupancy coordinated site review in order to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *Building Official* and Fire Services the compliance with the *health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable *City* requirements and other enactments respecting safety;
 - c) cause the *coordinating registered professional*, at least 48 hours prior to the pre-occupancy coordinated site review, to deliver to the *Building Official* the Confirmation of Required Documentation, in the form provided by the *City*, complete with all documentation on paper and in digital pdf format on a memory stick.

Stop Work Order

- 10.38) The *Building Official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice, in the form provided by the *City*, on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the *City* or the provisions of the *Homeowner Protection Act*.
- 10.39) The *coordinating registered professional* may request, in writing, that the *Building Official* order the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* by attaching a stop work order notice on the premises. The *Building*

Official must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.

- 10.40) If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her design or *field review* and the *Building Official* is deemed to have issued a stop work order under section 10.38.
- 10.41) The *owner* must immediately, after the posting of a notice under section 10.38, secure the *construction* and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the *City*.
- 10.42) Subject to section 10.38, no work other than the required remedial measures may be carried out on the parcel affected by the notice until the stop work order notice has been removed by the *Building Official*.
- 10.43) Every person who commences work requiring a *building permit* without first obtaining such a *permit* shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in Schedule 2 of the Municipal Ticket Information System Bylaw.
- 10.44) The notice referred to in section 10.38 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 10.45) If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of section 4.4 of this bylaw, a *Building Official* may post a Do Not Occupy Notice, in the form provided by the *City*, on the affected part of the *building* or *structure*.
- 10.46) If a notice is posted under section 10.45, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must 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*.

Inspection and Other Fees

- 10.47) In addition to the fees required for the initial *permit*, the *owner* must pay the additional fees as in the *City of Armstrong Rates, Fees and Charges Bylaw* for:
 - a) a second and subsequent re-inspection where it has been determined by the *Building Official* that due to non-compliance with the provisions of this bylaw or due to non-complying workmanship, more than two inspections are required for any particular type of inspection;
 - b) a special inspection during the *City's* normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques;
 - c) inspection required under this bylaw which cannot be carried out during the *City's* normal business hours;
 - d) each report containing each alternate solution in respect of *Building Code* equivalences;
 - e) an amendment to an original equivalency report after acceptance or rejection of the report;

- f) a request from the *owner* or *agent* that the *Building Official* review an application or part of an application that has already been reviewed by the *Building Official*.

Permit Expiration

10.48) Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the permit terminate if:

- a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*; or
- b) work is discontinued for a period of 180 days; or
- c) the work is not completed within two years of the date of issuance of the *permit*.

10.49) Where a *building permit* has expired and the *owner* wishes to have the *permit* reissued, the *owner* must submit a new application, including a new application fee, including all documents and *permits* as prescribed in Part 10 of this bylaw.

10.50) Where an application is received pursuant to Part 10 of this bylaw and where the information submitted with the new application has not changed substantively from the original application, a *Building Official* may issue a new *building permit* pursuant to all the terms and conditions of this bylaw, except that the *building permit* fees prescribed in *City of Armstrong Rates, Fees and Charges Bylaw* shall not apply.

Permit Extension

10.51) A *Building Official* may extend the period of time set out under section 10.48 for only one period, not to exceed twelve months upon any terms and conditions specified by the *Building Official*, and upon written request, if:

- a) construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants;
- b) the *building permit* has not expired or been revoked;
- c) application for the extension is made at least 30 days prior to the date of *permit* expiration; and
- d) the non-refundable fee set out in *City of Armstrong Rates, Fees and Charges Bylaw* has been paid.

Building Permit Revocation

10.52) The *Building Official* may revoke a *building permit* if there is a violation of:

- a) a condition under which the *permit* was issued; or
- b) a requirement of the *Building Code* or of this or another bylaw of the *City*, and

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

10.53) Where a *building permit* has been revoked and the *owner* wishes to have the *permit* reissued, the *owner* shall submit a new application, including a new application fee, including all documents and *permits* as prescribed in Part 10 of this bylaw.

Building Permit Cancellation

10.54) A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *Building Official*.

- 10.55) On receipt of the written cancellation notice, the *Building Official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 10.56) If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *Building Official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *Building Official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".
- 10.57) If a *building permit* application or *permit* is cancelled, and *construction* has not commenced under the *permit*, the *Building Official* must return to the *owner* any fees deposited under *City of Armstrong Rates, Fees and Charges Bylaw*:
- a) less any non-refundable portion of the fee; and
 - b) less 15% of the refundable portion of the fee.

Final Inspection

- 10.58) No person shall occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection report has been issued by a *Building Official*.
- 10.59) A final inspection report shall not be issued unless:
- a) all letters of assurance have been submitted when required in accordance with this bylaw;
 - b) all aspects of the work requiring inspection and acceptance pursuant to sections 10.29 through 10.37 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
 - c) the *owner* has provided to the *City* as-built plans of works and services as required by the *City*;
 - d) the *owner* has provided to the *City* a *building* survey prepared by a British Columbia Land Surveyor showing the *building height* determined in accordance with the *City's* land use regulations;
 - e) all other documentation required under applicable enactments, including in relation to gas and electrical matters;
 - f) as built drawings are delivered to the *City* on paper and in a digital pdf format on a memory stick.
- 10.60) When a *registered professional* provides letters of assurance in accordance with this bylaw, the *City* will rely solely on the letters of assurance when issuing a final inspection report as assurance that the items identified on the letters of assurance substantially comply with the *Building Code*, this bylaw and other applicable enactments respecting safety.
- 10.61) A *Building Official* may issue a final inspection report for part of a *building* or *structure* when the part of the *building* or *structure* is self-contained and provided with essential services and the requirements set out in section 10.59 of this bylaw have been met with respect to it.
- 10.62) A final inspection report is required for a *complex building*.
- 10.63) A final inspection report for a *complex building* may not be issued unless:

- a) all letters of assurance and the Confirmation of Required Documentation in the form provided by the *City* have been submitted when required in accordance with the requirements of this bylaw;
- b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.29 through 10.37 of this bylaw have both been inspected and *accepted*;
- c) the *owner* has executed and delivered to the *City* every agreement, instrument or form required by the *City* in relation to the work or the site; and
- d) all required offsite works respecting safety have been completed.

10.64) A *Building Official* may issue a final inspection report for partial *occupancy* of a portion of a *building* or *structure* under construction when

- a) That portion of *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects of the work*, and if applicable, accessibility, *GHG* emissions and conservation; and
- b) The requirements out in section 10.59 have been met with respect to it.

Numbering of *Buildings*

10.65) Immediately upon issuance of a *building permit* governing the *construction, alteration*, or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the *City*

- a) On or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent *highway*, on the *building* property within sight of the adjacent *highway*; and
- b) Until such time as the *building* is removed from the site or has been demolished.

10.66) Despite 10.65 the *City* may renumerate or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.

10.67) Without limiting 10.65 or 10.66 the *Building Official* must, on the issuance of a *building permit*, designate a house or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the numbers posted in a conspicuous location at all times during *construction*.

10.68) Without limiting sections 10.65 through 10.67, on issuance of a final inspection the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent *highway* that is not a lane.

PART 11: RETAINING WALLS

Permit

11.1) No person may *construct*, or structurally repair, a *retaining wall* without a *building permit*. Design and *field review* services and applicable letters of assurance must be provided by the *registered professionals* for all *retaining walls*.

Design and Field Review

11.2) A *registered professional* must undertake the design and conduct *field reviews* of the construction or structural repair of a *retaining wall*. Sealed copies of the design plan and letters of assurance prepared by the *registered professional* for all *retaining walls* must be submitted to a *Building Official* prior to issuance of a *permit* for the work.

PART 12: POOLS

- 12.1) Without limiting section 5.1 of this bylaw, no person may *construct*, or structurally repair, a *swimming pool* without a valid and subsisting *building permit*.

Swimming Pool Fencing

- 12.2) A *swimming pool*, including a spa or hot tub, over 0.6 m in depth, must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.5 metres and no openings greater than 100 mm at their least dimension.

Pool Gate

- 12.3) Access through a fence enclosing a *swimming pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and *constructed* or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the *swimming pool*, spa or hot tub side of the gate.

Spa or Hot Tub Lid

- 12.4) In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

PART 13: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 13.1 *Buildings* and *structures* must be designed and constructed in compliance with the applicable step of the *Energy Step Code*, as set in 9.36 of the *Building Code*.
- 13.2 For *buildings* and *structures*, the *Owner* or *Agent* must, to the satisfaction of the *Building Official*, provide all documentation required by the *Energy Step Code* administrative requirements or as required by the *Building Official*, prepared by an Energy Advisor or Registered Professional.
- 13.3 For Part 9 *buildings*, the documentation required for compliance with *Energy Step Code* must provide evidence to the *Building Official* that the Energy Advisor is registered and in good standing with Natural Resources Canada.

PART 14: CLIMACTIC DATA

AREA	Design Temperature				Degree Days Below 18 °C	15 Min. Rain mm	One Day Rain mm	Ann. Tot. Ppn. mm	Ground Snow Load kPa		Hourly Wind Pressures		
	January		July 2.5%						SS	SR	1/10 kPa	1/30 kPa	1/100 kPa
	2.5 % °C	1% °C	Dry °C	Wet °C									
City of Armstrong	-20	-23	33	20	3887	13	40	350	2.9	0.1	0.32	0.39	0.44

PART 15: OFFENCES

Violations

15.1) Every person who:

- a) violates a provision of this bylaw;
- b) permits, suffers or allows any act to be done in violation of any provision of this bylaw;
- c) who neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 15.2) Every person who fails to comply with any administrative requirement issued by a building official, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 15.3) 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.
- 15.4) 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*.
- 15.5) Where a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of section 5.4 of this bylaw a *Building Official* may post a Do Not Occupy notice on the affected part of the *building* or *structure*.
- 15.6) The *owner* of property on which a Do Not Occupy notice has been posted, and every 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*.

Deemed Offence

- 15.7) An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure*, or part of a *building* or *structure*, on that parcel.
- 15.8) No person is deemed liable under section 15.7 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 15.9) Nothing in section 15.8 affects:
- a) the *City's* right to require and the *owner's* obligation to obtain a *permit*; and
 - b) the obligation of the *owner* to comply with this bylaw.
- 15.10) 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.

Ticketing

- 15.11) Every person who commences work requiring a building permit without first obtaining such a permit must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in Municipal Ticket Information System Bylaw. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 15.12) The offences in the Municipal Ticket Information System Bylaw are designated for enforcement under the Community Charter.

PART 16: INTERPRETATION

Definitions

- 16.1) In this bylaw the following words and terms have the meanings set out in section 1.4.1.2 of the *Building Code* as of the date of the adoption of this bylaw:

alteration, assembly occupancy, basement, building, building area, building height, business and personal services occupancy, care or detention occupancy, chimney, constructor, coordinating registered professional, designer, field review, firewall, foundation, grade, high hazard industrial occupancy, industrial occupancy, medium hazard industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, occupancy, owner, residential occupancy and unsafe condition.

Every reference to:

- a) an enactment or bylaw is a reference to the current edition, and
- b) section of an enactment or bylaw is a reference to the applicable successor sections,

As the enactment bylaw, or section thereof may be amended or re-enacted from time to time.

- 16.2) Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

- 16.3) In this bylaw:

ACCEPTED means reviewed by the *Building Inspector* under the applicable provisions of the *Building Code* and this bylaw;

ADDITION means an *alteration* to any *building* which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

AGENT includes a firm, corporation or other person representing the *owner*, by written designation or contract, and also includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her licence;

ALTERNATIVE SOLUTION means an *alternative solution* authorized under the *Building Code*;

BUILDING CODE means the British Columbia *Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

BUILDING INSPECTOR means the professional designated in or appointed to that position by Council;

BUILDING OFFICIAL includes a *Building Inspector*, plan checker, *plumbing inspector* designated or appointed by the *City*;

BYLAW ENFORCEMENT OFFICER means the person(s) appointed by the *City* whose duties include enforcing and carrying out the provisions of this bylaw;

CITY means the City of Armstrong;

COMPLEX BUILDING means: a *building* used for a *major occupancy* classified as *assembly occupancy*, *care or detention occupancy*, *high hazard industrial occupancy*, *post disaster building*, or a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as *residential occupancy*, *business and personal services occupancy*, *mercantile occupancy*, or *medium and low hazard industrial, occupancy*;

CONSTRUCT includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, *reconstruct*, demolish, remove, excavate or shore;

CRAWL SPACE means a *building area* or a portion of a *basement* of a *building* measuring less than 1.8 meters from the floor to the ceiling;

ENGINEERS AND GEOSCIENTISTS ACT means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

EXCAVATION means the space created by the removal of soil, rock or fill for the purpose of construction, and includes preloading;

EXISTING in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;

GHG means greenhouse gas;

HEALTH AND SAFETY ASPECTS OF THE WORK means design and construction regulated by Division B Parts 3, 4, 7, 8, 9 and 10, of the *Building Code*;

HIGHWAY means a street, road, lane, walkway, bridge, viaduct, and any other way open to public use. Except for *highways* created under Section 4 of the *Highways Act*, the width of a *highway* is measured from lot line to lot line. A *highway* does not include private easements on private property;

PERMIT means permission or authorization in writing by the *Building Inspector* to perform work regulated by this bylaw and, in the case of final inspection, to occupy a *building* or part of a *building*;

PLUMBING includes a drainage system, a venting system and a water system or parts of such a system; municipal connections, fire sprinklers, fire suppression systems and fire lines; drain tile and drain pipe for *foundation* drainage; sumps; rock pits and drywells;

POOL means any *constructed* or pre-fabricated *structure* for holding water for the purpose of bathing or swimming, having a surface area of more than 15.0 square metres, and a depth of more than 0.5 metres, and includes hot tubs;

PROFESSIONAL DESIGN means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*;

REGISTERED PROFESSIONAL means a person who is registered or licensed to practice as an architect under the *Architects Act* and has experience in the practice of architecture; or a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act* and has experience in the relevant branch of engineering or geoscience.

RETAINING WALL means a wall, or a series of walls *constructed* for the purpose of supporting or confining earth, water or other material and restraining it from moving:

- a) If the wall exceeds 1.2 metres in height above the lower of natural or finished *grade*; or
- b) in the case of a series of walls, if any of the walls extend above a line commencing 1.2 metres above the lower of natural or finished *grade* at the base of any of the walls and *projected* at an angle of one linear unit vertically to one unit horizontally;

SIMPLE BUILDING means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as:

- a) *residential occupancy*;
- b) modular and manufactured homes as defined in the *City's zoning bylaw*;
- c) *business and personal services occupancy*;
- d) *mercantile occupancy*;
- e) *medium hazard industrial occupancy*; or
- f) *low hazard industrial occupancy*.

STEP CODE means the Energy *Step Code* as referenced in the British Columbia *Building Code* Section 9.36.6;

STRUCTURE means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, flag poles, patios, paving and retaining *structures* less than 1.22 meters in height;

SWIMMING POOL means a *structure* or *constructed* depression used or intended to be used for swimming, wading, or diving which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground *pool* and hot tub;

TEMPORARY BUILDING including a sales office, construction office or *structure* in which tools are stored during construction of a *building* or other *structure*;

VALUE OF THE WORK means the value calculated using a method stipulated in the "Marshall Swift Valuation Service".

Severability

- 16.4) If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

PART 17: REPEAL

17.1) *Building Bylaw No. 1776, 2015*, and any amendments hereto, is hereby repealed.

READ a first time this 12th day of December 2022.

READ a second time this 12th day of December 2022.

READ a third time this 12th day of December 2022.

ADOPTED this 23rd day of January 2023.

*Signature on File*_____

CORPORATE OFFICER

*Signature on File*_____

MAYOR