



VILLAGE OF KEREMEOS

BUILDING BYLAW NO. 835, 2019

Consolidated June 6, 2023 with Amendment Bylaw No. 835-01, 2023

A Bylaw for the Administration of the Building Code and Regulation of Construction

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Village of Keremeos
BUILDING BYLAW NO. 835, 2019

A Bylaw for Administration of the Building Code and Regulation of Construction

GIVEN that the Council

- A. 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;
- B. Is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in the Village of Keremeos in accordance with the *Community Charter* and the *Building Act*;
- C. Has employed trained *Building Officials* for the purposes of this bylaw;

NOW THEREFORE the Council of the Village of Keremeos enacts as follows:

PART 1: TITLE

Citation

- 1.1 This bylaw may be cited for all purposes as the "Village of Keremeos Building Bylaw No. 835, 2019".

PART 2: INTERPRETATION

Definitions

- 2.1 In this bylaw
 - Accepted** means reviewed by the *Building Official* 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 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*;
 - Alteration** means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw;
 - Architects Act** means the *Architects Act* RSBC 1996, c. 17;

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 Official means the person designated in or appointed to that position by the Village of Keremeos, and includes a building inspector, plan checker, plumbing inspector, gas inspector, or electrical inspector designated or appointed by the Village of Keremeos, and for certainty the *Building Official* is the “Building Inspector” referred to in the *Community Charter* and *Local Government Act*;

Complex building means:

- (a) A building used for a major occupancy classified as:
 - i. Assembly occupancy;
 - ii. Care occupancy;
 - iii. Detention occupancy;
 - iv. High hazard industrial occupancy;
 - v. Treatment occupancy; or
 - vi. Post-disaster building,
- (b) A building exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a major occupancy classified as:
 - i. Residential occupancy;
 - ii. Business and personal services occupancy;
 - iii. Mercantile occupancy; or
 - iv. Medium and low hazard industrial occupancy,

Coordinating registered professional means a *registered professional* retained pursuant to the *Building Code* to coordinate all design work and field reviews of the *registered professionals* required for a development;

Construct (or construction) includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;

Constructor means a person who *constructs*;

Engineers and Geoscientist Act means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

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;

Foundation means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a *building* that lie below the finished *grade* immediately adjacent to the *building*;

GHG means greenhouse gas;

Health and safety aspects of the work means design and *construction* regulated by Parts 3, 4, 5, 6, 7, 8, 9, 10, Division B, of the *Building Code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

Owner means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form attached as Appendix A;

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

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

Pool means a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground *pool* and hot tub;

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

Project means any *construction* operation;

Retaining wall means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it;

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) *Business and personal services occupancy*;
- (c) *Mercantile occupancy*;
- (d) *Medium hazard industrial occupancy*; or
- (e) *Low hazard industrial occupancy*,

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, paving and retaining *structures* less than 1.22 meters in height;

Temporary building includes a sales office, *construction* office or a *structure* in which tools are stored during *construction* of a *building* or other *structure*;

Value of the work means that amount that is calculated as follows

- (a) For *construction* of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
 - i. The declared *value of the work*; or
 - ii. The value calculated pursuant to the Village of Keremeos Fees and Charges Bylaw;or
- (b) For all other *construction*, the greater of
 - i. The declared *value of the work*; or
 - ii. The value calculated using a method stipulated in the "Marshall Valuation Service".

2.2 In this bylaw the following words and terms have the meanings

- (a) Set out in section 1.4.1.2 of the *Building Code* as of the date of the adoption of this bylaw: *accessible assembly occupancy*, *building*, *building area*, *building height*, *business and personal services occupancy*, *care occupancy*, *constructor*, *coordinating registered*

- professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;*
- (b) Subject to this bylaw, set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*; and
 - (c) Subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written and year*.
- 2.3 Every reference to this bylaw in this or another bylaw of the Village of Keremeos is a reference to this bylaw as amended to the date of the reference.
- 2.4 Every reference to
- (a) The *Building Code* is a reference to the current edition as of the date of issuance of the *building permit*; and
 - (b) A section of the *Building Code* is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.
- 2.5 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, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Appendices

- 2.6 Appendices A through E are attached to and form part of this bylaw.

Severability

- 2.7 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 will not affect the validity of the remaining portions of this bylaw.

PART 3: PURPOSE OF BYLAW

- 3.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 3.2 Every *permit* issued under this bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the Village of Keremeos in the public interest.
- 3.4 The purpose of this bylaw does not extend to
- (a) The protection of *owners, designers or constructors* from economic loss;
 - (b) The assumption by the Village of Keremeos 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 the *owner*, with the *Building Code*, the requirements of this bylaw, or 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 *occupancy permit* is issued under this bylaw;
- (d) Providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the Village of Keremeos is free from latent, or any, defects, or
- (e) The protection of adjacent real property from incidental damage or nuisance.

PART 4: SCOPE AND EXEMPTIONS

Application

- 4.1 This bylaw applies to the geographical area of the Village of Keremeos and to land, the surface of water, air space, *buildings or structures* in the Village.
- 4.2 This bylaw applies to the design, *construction* or *occupancy* of new *buildings or structures* (including on site preparations, interconnection of modules, connection to services and installation of appliances for mobile homes and factory built houses), and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings and structures* (including on site preparations, interconnection of modules, connection to services and installation of appliances for mobile homes and factory built houses).
- 4.3 This bylaw does not apply to
 - (a) Except as set out in PART 12: (Retaining Walls) of this bylaw, a fence;
 - (b) An accessory *building* with a floor area of less than 10 square metres that does not create a hazard;
 - (c) A trellis, an arbour, a wall supporting soil that is less than 1.22 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the Village of Keremeos' zoning bylaw;
 - (d) *Buildings or structures* exempted by Part 1 of the *Building Code* except as expressly provided herein;
 - (e) Factory built housing and components complying with CAN/CSA Z240 MH Series standard or A277 series, but this exemption does not extend to on site preparations (*foundations*, mountings), connection to services and installation of appliances;
 - (f) Non-structural *alterations* and repairs to single and two-family residential dwelling which *alterations* do not affect the *building* envelope, including:
 - i. Re-covering *existing* roofs;
 - ii. Re-cladding *existing* exterior walls;
 - iii. Repainting;
 - iv. The repair or replacement of a valve, faucet, fixture or sprinkler head in a *plumbing system* if no change in piping is required;
 - v. Re-covering *existing* floors;
 - vi. Replacing windows and doors in *existing* openings (as long as the size does not change);
 - vii. Installation or replacement of gas or electric powered space or water heating fixtures or appliances;
 - (g) unroofed residential decks if the deck surface is 600 mm (24 inches) or less above the adjacent ground level, or the adjacent surface within 1.2 m of the walking surface of the deck has a slope of more than 1 in 2.

Limited Application to Existing Buildings

- 4.4 Except as provided in the *Building Code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, 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 expressly so provided by this or another bylaw, regulation or statute.
- 4.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the Village of Keremeos, including relocation relative to parcel lines created by subdivision or consolidation. PART 13: applies to *building* moves.
- 4.6 If an *alteration* is made to an *existing building* the *alteration* 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*.
- 4.7 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 5: PROHIBITIONS

- 5.1 A person must not commence or continue any *construction*, *alteration*, *excavation*, *reconstruction*, *demolition*, *removal*, *relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to *construction*
 - (a) Except in conformity with the requirements of the *Building Code* and this bylaw; and
 - (b) Unless a *Building Official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 5.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
 - (a) Unless a subsisting *final inspection notice* has been issued by a *Building Official* for the *building* or *structure* or the part of the *building* or *structure*; or
 - (b) Contrary to the terms of any *permit* issued or any notice given by a *Building Official*.
- 5.3 A person must not knowingly submit false or misleading information to a *Building Official* in relation to any *permit* application or *construction* undertaken pursuant to this bylaw.
- 5.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *Building Official*, or plans and supporting documents which have been filed for reference with the *Building Official* after a *permit* has been issued.
- 5.5 A person must not, 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.
- 5.6 A person must not 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*.
- 5.7 A person must not interfere with or obstruct the entry of a *Building Official* or other authorized official of the Village of Keremeos on property in the administration of this bylaw.

- 5.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public highway from which it takes its address.
- 5.9 A person must not contravene an administrative requirement of a *Building Official* made under section 7.6 or any other provision of this bylaw.
- 5.10 A person must not 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.

PART 6: PERMIT CONDITIONS

- 6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 6.2 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 Village of Keremeos will in any way
 - (a) Relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments;
 - (b) Constitute 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; or
 - (c) Constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 6.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 6.4 Without limiting section 6.2(a), 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 7: POWERS OF A BUILDING OFFICIAL

Administration

- 7.1 Words defining the authority of a *Building Official* are to be construed as internal administrative powers and not as creating a duty.
- 7.2 A *Building Official* may
 - (a) Administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) 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;
 - (c) 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
 - (d) 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

- 7.3 A *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 Village of Keremeos, and must state the reason in writing.
- 7.4 A *Building Official* may revoke a *permit* if,
- (a) there is a violation of any condition under which the *permit* was issued;
 - (b) there is a violation of any provision in the *Building Code*, this bylaw or any other bylaw of the Village of Keremeos;
 - (c) The *permit* was issued in error or on the basis of false or incorrect information; or
 - (d) in their 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

- 7.5 Subject to section 16 of the *Community Charter*, a *Building Official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met, or if the *Building Official* has any reason to believe that an unsafe condition exists.

Powers

- 7.6 Subject to applicable enactments, a *Building Official* may by notice in writing require
- (a) A person who contravenes any provision of this bylaw to comply with that provision within the time 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 Village of Keremeos or other applicable enactments, 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 prescribed by the *Building Official*;
 - (c) An *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required 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 a *Building Official* prior to covering;
 - (f) An *owner* to uncover any work that has been covered without inspection contrary to this bylaw or any order issued by a *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 for the work;

- (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.
- 7.7 Every reference to “*owner*” in section 7.6 includes a reference to the *owner’s agent* or *constructor*.
- 7.8 Every person served with a notice under this Part must comply with that notice
- i. Within the time ordered, or
 - ii. If no time is ordered, immediately.

PART 8: OWNER’S RESPONSIBILITIES

Permit Requirements

- 8.1 Subject to PART 11: of this bylaw, every *owner* must apply for and obtain a *permit*, prior to
- (a) *Constructing*, repairing or *altering* a *building* or *structure*, including a *pool* or *retaining wall*;
 - (b) Moving a *building* or *structure* into or within the Village of Keremeos;
 - (c) Demolishing a *building* or *structure*;
 - (d) Occupying a new *building* or *structure*;
 - (e) *Constructing* a masonry fireplace or installing a solid fuel-burning appliance or chimney, whether attached to, part of, or detached from a *building*;
 - (f) Installation of a *plumbing system*;
 - (g) Changing the use or *occupancy* of a *building*
- unless the works are the subject of another valid and subsisting *building permit*.
- 8.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner’s Obligations

- 8.3 Every *owner* must
- (a) Comply with the *Building Code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *Building Code*, this bylaw or the conditions of a *permit*;
 - (b) 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; and
 - (c) Prior to the issuance of a *building permit*, execute and submit to the Village of Keremeos an *owner’s* undertaking in the form attached as Appendix B, where required by the *Building Official*.
- 8.4 Every *owner* and every *owner’s 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 Village of Keremeos and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *Building Official* or a

registered professional shall 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 all other applicable codes, standards and enactments.

- 8.5 Every *owner* must allow a *Building Official* to enter any *buildings* or premises at any reasonable time to administer and enforce 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;
 - (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; and
 - (c) Provide *Building Officials* with safe access to the work site and all areas requiring inspections.

Damage to Municipal Works

- 8.6 The owner is responsible for conducting an inspection of the existing conditions 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.
- 8.7 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 8.8 In addition to payment of a security deposit under sections 11.9 to 11.13, every *owner* must pay to the Village of Keremeos, within 30 days of receiving an invoice for same from the Village, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.
- 8.9 Amounts listed in section 8.8 that remain unpaid as of 30 days after issuance shall be added to taxes in arrears of the property to which the fees or charges apply, pursuant to section 258 of the *Community Charter*.

Demolition

- 8.10 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) Provide to the Village of Keremeos a vacancy date;
 - (b) Provide a hazardous materials assessment and clearance letter for *buildings* or *structures* constructed prior to 1992;
 - (c) Pay capping and inspection chamber installation fees as set out in the Village of Keremeos' bylaws governing waterworks and sewer; and
 - (d) Ensure that all municipal services and other services are capped and terminated at the property line in a Village of Keremeos standard inspection chamber and valve arrangement.
- 8.11 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.
- 8.12 No *owner* shall permit noxious or deleterious materials to escape from any demolition site by any means.

Notice

- 8.13 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *Building Official* of the date on which the *owner* intends to begin such work.
- 8.14 Every *owner* must give written or online notice to a *Building Official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during *construction*, within 24 hours of when the change or termination occurs.
- 8.15 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *Building Official* new letters of assurance.
- 8.16 Without limiting sections 11.35 to 11.49, every *owner* must give at least 48 hours' online or written notice to a *Building Official*
- (a) Of intent to do work that is required or ordered to be corrected during *construction*;
 - (b) Of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
 - (c) When work has been completed so that a final inspection can be made.
- 8.17 Every *owner* must give notice in writing to a *Building Official* and pay the non-refundable fee set out in the Village of Keremeos Fees and Charges Bylaw immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 8.18 Every *owner* must give such other notice to a *Building Official* as may be required by the *Building Official* or by a provision of this bylaw.

PART 9: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 9.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *Building Code*, this bylaw and all other applicable codes, standards and enactments.
- 9.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public is disturbed, no *building* or *structure* 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 property.
- 9.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 10: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 10.1 The provision by the *owner* to the Village of Keremeos of letters of assurance in accordance with the requirements of the *Building Code* shall occur prior to
- (a) The pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) A final inspection for a *simple building* in circumstances where letters or assurance have been required in accordance with the requirements of the *Building Code*, in which case the *owner* must provide the Village of Keremeos with letters of assurance in the form of

Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *Building Code*.

- 10.2 If a *registered professional* provides letters of assurance in accordance with the *Building Code*, they must also provide proof of professional liability insurance to the *Building Official* in the form and amount set by Appendix C to this bylaw.

Requirement for a Registered Professional

- 10.3 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 referred to in subsection 2.2.7, Division C, of the *Building Code*, in respect of a *permit* application
- (a) Prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) Prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case the *owner* must provide the Village of Keremeos with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *Building Code*;
 - (c) A *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *Building Code*;
 - (d) Prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
 - (e) For a *building* in respect of which the *Building Official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
 - (f) If the *building* envelope components of the *building* fall under Division B Part 3 of the *Building Code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *Building Code*; and
 - (g) 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 requirements for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
 - i. For 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 Village of Keremeos.
- 10.4 The *Building Official* may require any *registered professional* carrying out the *professional design* and *field review* required under subsection 10.3 to provide evidence that they experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

- vi. North arrow
- vii. If applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
- 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 and proposed *grade* around the *building* faces in order to ascertain *foundation* height;
- xii. First storey floor elevation;
- xiii. Location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- xiv. Line of upper floors;
- xv. Location and elevation of curbs, sidewalks, manholes, and service poles;
- xvi. Location of existing and proposed service connections;
- xvii. Location and species of trees greater than 10 centimetres in diameter;
- xviii. Location of top bank and water courses;
- xix. Access routes for firefighting;
- 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 Village of Keremeos' 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*;

- (f) Include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (g) Include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *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, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the Village of Keremeos zoning bylaw and development permit;
- (i) Include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *Building Code*;
- (j) Include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
- (k) Include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;

- (l) Include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of 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 of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the *construction* of the *building*;
 - (n) Include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
 - (o) Include illustration of any slopes on the subject parcel that exceed 30%.
- 11.3 In addition to the requirements of section 11.2 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 of the property line, prepared and sealed by a *registered professional*, in accordance with the Village'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 related to the *building* or *structure*.

Building Permit Applications for Simple Buildings

- 11.4 An application for a *building permit* with respect to a *simple building* must
- (a) Be made in the form prescribed by the *Building Official* 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 attached as Appendix B 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 made within 30 days of the date of the *permit* application;
 - (d) Include a copy of a 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 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;

Professional Plan Certification

- 10.5 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* referred to in sections 10.1 and 10.3 are relied upon by the Village of Keremeos and its *Building Officials* as certification that the design and plans to which the letters of assurance refer comply with the *Building Code*, this bylaw and other applicable enactments.
- 10.6 Letters of assurance must be in the form of Schedule A and B referred to in subsection 2.2.7, Division C, of the *Building Code*.
- 10.7 For a *building permit* issued for the *construction* of a *complex building*, the *Building Official* shall provide the *owner* with a notice 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. Any failure on the part of the *Building Official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the Village of Keremeos or its *Building Officials* on the *registered professionals*.
- 10.8 If a *building permit* is issued for a *complex building* in accordance with PART 10: of this bylaw, the *permit* fees payable under the Village of Keremeos Fees and Charges Bylaw shall be reduced by 25%.
- 10.9 If a *building permit* is issued for a *simple building* in accordance with PART 10: of this bylaw, the *permit* fees payable under the Village of Keremeos Fees and Charges Bylaw shall be reduced by 10%.

Alternative Solutions

- 10.10 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 and pay the fee specified in the Village of Keremeos Fees and Charges bylaw.

PART 11: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

- 11.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
 - (a) The *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the Village's Official Community Plan as a development permit area;
 - (b) The *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the Village of Keremeos, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
 - (c) An approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;

- (d) The *owner* must provide evidence to the *Building Official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
- (e) If the parcel that is the subject of the *building permit* application is not intended to be connected to the Village of Keremeos' sewage disposal system, the *owner* must apply for and obtain approval from the Village of Keremeos and other applicable public authorities for an alternate *private sewage disposal system*;
- (f) If the parcel that is the subject of the *building permit* application is not intended to be connected to the Village of Keremeos waterworks system, the *owner* must apply for and obtain approval from the Village of Keremeos and other applicable public authorities for an alternate water supply system;
- (g) If the parcel that is the subject of the *building permit* application is not intended to be connected to the Village of Keremeos' storm water drainage system, the *owner* must apply for and obtain approval from the Village of Keremeos and other applicable public authorities for the alternate storm water drainage and detention system; and
- (h) If all on site and off site works and services required by a Village of Keremeos bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the Village of Keremeos and deliver to the Village letters of credit or cash security for completion of the works and service.

Building Permit Applications for Complex Buildings

- 11.2 An application for a *building permit* with respect to a *complex building* must
- (a) Be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the form attached as Appendix B to this bylaw and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (b) Include a copy of the title search for the relevant property made within 30 days of the date of the *permit* application;
 - (c) Include 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 of the *Building Code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
 - (d) Include a copy of a survey plan prepared by a British Columbia land surveyor;
 - (e) 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;

- v. Setbacks to the natural boundary of any lake, swamp, pond or watercourse;
- vi. North arrow
- vii. If applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
- viii. The location, dimensions and gradient of parking and parking access;
- ix. Proposed and existing setbacks to property lines;
- x. Natural and finished *grade* at *building* corners and datum determination points;
- xi. *First storey* floor elevation;
- xii. Location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- xiii. Line of upper floors;
- xiv. Location and elevation of curbs, sidewalks, manholes, and service poles;
- xv. Location of existing and proposed service connections;
- xvi. Location and species of trees greater than 10 centimetres in diameter;
- xvii. Location of top bank and water courses;
- xviii. Access routes for firefighting;
- xix. *Accessible* paths of travel from the street to the *building*;
- xx. Zoning compliance summary; and
- xxi. 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 Village of Keremeos' land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

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*;

- (f) include floor plans showing the dimensions and uses of all areas, including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (g) include a cross-section through the *building* 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 grade, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the Village Zoning Bylaw and development permit areas;
- (i) Include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *Building Code*;
- (j) Include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;

- (k) Except for garages, carports and garden *structures* located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *Building Code*;
 - (l) Include geotechnical letters of assurance, in addition to a required geotechnical report, if the *Building Official* determines that the site conditions so warrant;
 - (m) Include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
 - (n) Include 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 articles 2.2.2.1(2), Division C of the *Building Code*.
- 11.5 In addition to the requirements of section 11.4 of this Part, if a *project* involves
- (a) Two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
 - (b) Two or more *buildings* that will contain four or more dwelling units; or
 - (c) Otherwise if the complexity of the proposed *building* or *structure* or siting circumstances warrant,
- a *Building Official* may require the following be submitted with a *permit* application for the *construction* of each *simply building* in the *project*
- (d) A section through the site showing *grades*, *buildings*, *structures*, parking areas and driveways;
 - (e) A roof plan and roof height calculations;
 - (f) Structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
 - (g) Letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; and
 - (h) 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*.
- 11.6 The *Building Official* may waive requirements of this section in whole or in part, where the *permit* is sought for a *project* of limited scope.

Site and Location Information

- 11.7 Without limiting sections 11.2(e) or 11.4(d) of this Part, the *Building Official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* 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 a written requirement under this section must comply with the requirement.

Building Permit Fee

- 11.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the Village of Keremeos
 - (a) A non-refundable plan-processing fee in accordance with the Village of Keremeos Fees and Charges Bylaw. If a *permit* is issued the plan processing fee shall be credited to the *building permit* fee;
 - (b) The *building permit* fee prescribed in the Village of Keremeos Fees and Charges Bylaw; and
 - (c) Any fees, charges, levies or taxes imposed by the Village and payable under an enactment at the time of issuance of the *building permit*.

Security Deposit with Building Permit Application

- 11.9 An applicant for a *building permit* must pay to the Village of Keremeos, at the time of the application, the security deposits set out in the Village of Keremeos Fees and Charges bylaw for the following new or *existing structures*:
 - (a) For a single family dwelling or two family dwelling;
 - (b) Multi family dwelling;
 - (c) Commercial buildings;
 - (d) Industrial or Institutional buildings;
 - (e) Building moves;
 - (f) Demolition permits
- 11.10 The security deposit sum set out in section 11.9 of this Part
 - (a) Covers the cost borne by the Village 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 in any *building permit* held by the applicant;
 - (b) Covers the cost borne by the Village 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 provisional *occupancy* when the final inspection notice makes provision for a security deposit; or
 - (d) Serves as a security deposit to effect compliance with any condition under which the *permit* was issued.
- 11.11 The security deposit or applicable portion must be returned to the applicant
 - (a) When the Village of Keremeos 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 Village of Keremeos and
- (c) When the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *Building Official*;

only if the applicant has requested the return of the security.

- 11.12 Any credit greater than the amount of the security deposit used by the Village for the purposes described in sections 11.9 to 11.11 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the Village to complete corrective work to public lands, public works, or the site, is recoverable by the Village from the *permit* holder, the *constructor* or the *owner* of the property.
- 11.13 If the proposed work includes *excavation* or *construction* on lands within 10 metres of works or services owned by the Village, the *owner* must deliver to the *Building Official* a signed agreement in a form prescribed by the Village's Public Works Manager under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the *construction* associated with the *building permit* will be repaired by the *owner* at the *owner's* expense and to the satisfaction of the Public Works Manager, and the *owner* must deposit with the Village security in accordance with sections 11.9 to 11.12 of this Part.

Permit Fee Refunds

- 11.14 No fee or part of a fee paid to the Village of Keremeos may be refunded if *construction* of the *building* has started.
- 11.15 The *Building Official* may approve a refund of an application fee or portion thereof only if plan checking has not commenced.
- 11.16 A *building permit* or other *permit* fee may be partially refunded, 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.
- 11.17 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 11.53 of this Part.
- 11.18 Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

Design Modification

- 11.19 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the *value of the work* does not increase or the *value of the work* decreases, the *owner* must pay to the Village of Keremeos a *building permit* fee based on the plan review hourly rate set out in the Village of Keremeos Fees and Charges Bylaw.

Construction Before Permit Issued

- 11.20 If any *construction* for which a *permit* is required by this by-law has commenced before a *building permit* is issued by the *Building Official*, the *owner* of the real property on which the *construction* is being done shall pay to the Village of Keremeos as follows:
- (a) An additional charge equal to 25% of the *building permit* fee as prescribed in the Village of Keremeos Fees and Charges Bylaw, if a completed application is received within 30 days of notification that a *building permit* is required;
 - (b) If a Stop Work Order or Do Not Occupy Notice is issued and remains outstanding for 30 days, the fee pursuant to the Village of Keremeos Fees and Charges Bylaw shall be doubled, to a maximum of \$10,000.00
- 11.21 If *construction* has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the *Building Official* may require tests and investigations by an independent agency at the *owner's* expense to establish compliance or provided recommended remedial measures to be taken, prior to the issuance of a *permit*.

Expiration of Application for a Permit

- 11.22 A *building permit* or other *permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* or mechanical *permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the Village of Keremeos.
- 11.23 When a *building permit* or other *permit* application is cancelled
- (a) The application fee is forfeited to the Village of Keremeos; and
 - (b) The plans and related documents submitted with the application may be destroyed.

Issuance of a Building Permit

- 11.24 Each *building, structure* or part thereof constructed on a site requires a separate *permit* and shall be assessed a separate *permit* fee based on the value of that *building, structure* or part thereof.
- 11.25 If
- (a) A completed application in compliance with sections 11.2 and 11.3 or sections 11.4 and 11.5 of this Part, including all required supporting documentation, has been submitted;
 - (b) The *owner* has paid all applicable fees set out in sections 11.8 to 11.21 of this Part and The Village of Keremeos 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;
 - (e) The *owner* has retained an architect if required under this bylaw;
 - (f) the *owner* has provided a hazardous materials assessment and remediation compliance letter or clearance letter for *additions, alterations* or demolitions to *buildings* constructed prior to 1992; and

- (g) No covenant, agreement, resolution or regulation of the Village of Keremeos requires or authorizes the *permit* to be withheld

the *Building Official* must issue the *permit*, in the form prescribed by the *Building Official*, for which the application is made, and the date of issuance is deemed to be the date the Village gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

Issuance of Partial Permits

- 11.26 The *Building Official* may issue a *permit* for a portion of a *building* or *structure* before the design, plans and supporting documents for the entire *building* or *structure* have been reviewed provided sufficient information has been provided to the Village of Keremeos to demonstrate to the *Building Official* that the portion authorized to be constructed substantially complies with this and any other applicable Village of Keremeos bylaws and the *permit* fee applicable to that portion of the *building* or *structure* has been paid. Notwithstanding the issuance of the *permit*, the requirements of this bylaw shall apply to the remainder of the *building* or *structure* as if the *permit* for the portion of the *building* or *structure* had not been issued.

Refusal to Issue Building Permit

- 11.27 Despite section 11.25, the *Building Official* may refuse to issue a *permit* when
 - (a) the *owner* has been notified of a violation of this bylaw about the *construction*, occupancy or use of another *building* or *structure* by the *owner* on the property, and such violation has not been remedied;
 - (b) the results of the tests referred to in Section 7.2(d) are not satisfactory to the *Building Official*; or
 - (c) the parcel referred to in the *permit* application does not have vehicular access.

Compliance with the *Homeowner Protection Act*

- 11.28 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*
 - (a) Is covered by home warranty insurance; and
 - (b) The *constructor* is a licensed “residential builder” as defined in that Act.
- 11.29 Section 11.28 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.
- 11.30 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*.

Partial Construction

- 11.31 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 11.51, but without the *construction* of the *building* or *structure* for which the *building*

permit was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the Village to do so.

- 11.32 If a *building permit* has expired and partial *construction* has progressed, with no extension requested of the *Building Official* under section 11.53, permanent type fencing with privacy screen complying with the Village's Zoning Bylaw, must be erected around the *building* site for protection to the public.

Conditions of a Building Permit

- 11.33 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 non-refundable fee required under the Village of Keremeos Fees and Charges Bylaw. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 11.34 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.

Inspections

- 11.35 Despite the requirement for the *Building Official's* acceptance of the work outlined in Section 11.38, if a *registered professional* provides letters of assurance the Village of Keremeos will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *Building Code* as assurance that the aspects of the *construction* referenced by those letters of assurance substantially conforms to the design, plans and specifications and the *construction* complies with the *Building Code*, this bylaw and other applicable enactments respecting safety. Copies of all field reviews must be submitted to the Village.
- 11.36 Despite section 11.35 of this Part, 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*.
- 11.37 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.
- 11.38 For all work in respect of *simple buildings* the *owner* must give at least 48 hours notice to the Village of Keremeos when requesting an inspection and must obtain an inspection and receive a *Building Official's* written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading and removal of debris from the site;
 - (b) Footings, after preparation for footings or alternative methods are complete, prior to placement of concrete;
 - (c) *Foundation*, after forms for *foundation* walls are complete, prior to placement of concrete;
 - (d) After damp-proofing and *foundation* drainage are in place, prior to backfilling;
 - (e) Under-slab plumbing;

- (f) Under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls prior to covering;
 - (g) installation of rough-in plumbing, when complete and under test, prior to covering;
 - (h) factory built chimneys and fireplaces and solid fuel burning appliances
 - i. in new *structures*: rough-in of factory built chimneys, fireplaces and solid fuel burning appliances, and prior to use;
 - ii. in the case of masonry fireplaces prior to completion of the smoke chamber and again prior to cover up of the masonry flue(s).
and the manufacturer's written instructions and specifications must be made available to the *Building Official* at the time of the inspection(s), including the make, model and specified clearance requirements;
 - (i) framing, sheathing, fire stopping (including drywall in fire separations), fire blocking, bracing, rough plumbing, rough heating, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
 - (j) insulation, air and vapour barrier;
 - (k) Occupancy and final, after the *health and safety aspects of the work* when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to occupancy.
- 11.39 A *Building Official* will only carry out an inspection under section 11.38 if the *owner* or the *owner's agent* has requested the inspection online or in writing in accordance with this bylaw.
- 11.40 No person may conceal any aspect of the work referred to in section 11.38 of this bylaw until a *Building Official* has *accepted* it in writing.
- 11.41 For work in respect of *complex buildings*, the *owner* must
- (a) Give at least 48 hours' online or written notice to the Village of Keremeos when requesting a pre-*construction* 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' online or written notice to the Village of Keremeos when requesting a pre-occupancy coordinated by the *coordinating registered professional* or other *registered professional* 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 Village requirements and other enactments respecting safety and the conservation, *GHG* emission and accessibility aspects of the work; and
 - (c) Cause the *coordinating registered professional*, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *Building Official* the Confirmation of Required Documentation described in Appendix D, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

Stop Work Order

- 11.42 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 prescribed form 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 Village of Keremeos or the applicable provisions of the *Homeowner Protection Act*.
- 11.43 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.
- 11.44 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to the *registered professional's design* or *field review* and the *Building Official* is deemed to have issued a stop work order under section 11.42.
- 11.45 The *owner* must immediately, after the posting of a notice under section 11.42, 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 Village.
- 11.46 Subject to section 11.42, no work, other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 11.42 until the stop work order notice has been removed by the *Building Official*.
- 11.47 The notices referred to in section 11.42 and 11.48 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 11.48 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *Building Official* may post a Do Not Occupy Notice in the form prescribed by the *Building Official* on the affected part of the *building* or *structure*.
- 11.49 If a notice is posted under section 11.48, 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 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

- 11.50 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the Village of Keremeos Fees and Charges Bylaw for
- (a) each 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 work, more than two site visits are required for any required inspection;
 - (b) A special inspection during the Village of Keremeos' normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or *construction* techniques; and

- (c) An inspection that requires transportation other than by motor vehicles or other than during regular hours, the *owner* shall make arrangements in advance for such inspections and shall pay the Village of Keremeos' actual costs.

Permit Expiration

- 11.51 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 six months from the date of issuance of the *permit*;
 - (b) Work is discontinued for a period of six months; or
 - (c) The work is not completed within two years of the date of issuance of the *permit*.
- 11.52 When a *permit* has expired, no *construction* or other work may continue or commence until a valid *permit* authorizes the work.

Permit Extension

- 11.53 A *Building Official* may extend the period set out under section 11.51 for only one period, not to exceed twelve months, if *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, if
- (a) Application for the extension is made at least 30 days prior to the date of *permit* expiration; and
 - (b) The non-refundable fee set out in the Village of Keremeos Fees and Charges Bylaw has been paid.

Building Permit Revocation

- 11.54 The *Building Official* may revoke a *building permit* if
- (a) there is a violation of
 - i. A condition under which the *permit* was issued; or
 - ii. A requirement of the *Building Code* or of this or another bylaw of the Village of Keremeos;
 - (b) the *permit* was issued in error;
 - (c) the *Building Official* determines that an applicant / *owner* has provided false or misleading information on the application or otherwise obtained the *permit* fraudulently

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

Building Permit Cancellation

- 11.55 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*.
- 11.56 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".

- 11.57 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”.
- 11.58 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 the Village of Keremeos Fees and Charges Bylaw, less
- (a) Any non-refundable portion of the fee; and
 - (b) 15% of the refundable portion of the fee.

Occupancy

- 11.59 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *Building Official* for
- (a) The first occupancy of a *building* or *structure* or part thereof after completion of *construction*; or
 - (b) Any change of class of occupancy of any *building* or *structure* or part thereof.
- 11.60 A final inspection notice will 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 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 delivered to the Village of Keremeos as-built plans of works and *services* in digital format as required by the Village;
 - (d) The *owner* has provided to the Village of Keremeos a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the Village’s land use regulations;
 - (e) All other documentation required under applicable enactments has been delivered to the Village of Keremeos;
 - (f) Where any of the requirements for life and fire safety have been deemed to be satisfied by an alternate solution pursuant to the provisions of the *Building Code*, the *owner* shall submit to the *Building Official*, prior to use or occupancy of the *building* or *structure*, certification from the *registered professional* responsible for the equivalency, that the *construction* substantially complies with the requirements set out in the alternate solution report; and
 - (g) The *owner* has delivered to the Village of Keremeos as-built drawings of the *building* or *structure* in digital format as required by the Village.
- 11.61 When a *registered professional* provides letters of assurance in accordance with this bylaw, the Village will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design*, the *Building Code*, this bylaw and other applicable enactments respecting safety.

- 11.62 A *Building Official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under *construction* when
- (a) That portion of the *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 set out in section 11.60 have been met with respect to it.
- 11.63 A final inspection notice may not be issued unless
- (a) All letters of assurance and the Confirmation of Required Documentation described in Appendix D 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 10: and sections 11.35 through 11.41 of this bylaw have both been inspected and *accepted*;
 - (c) The *owner* has executed and delivered to the Village every agreement, instrument or form required by the Village in relation to the work or the site; and
 - (d) All required offsite works respecting safety have been completed.

Temporary Buildings

- 11.64 Subject to the bylaws of the Village of Keremeos and orders of Council, the *Building Official* may issue a *building permit* for the erection and placement of a *temporary building* or *structure* for *occupancy* if
- (a) The *permit* is for a period not exceeding one year; and
 - (b) The *building* or *structure* is located in compliance with the Village's Zoning Bylaw, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to Village utility services.
- 11.65 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a temporary *permit* application in the form prescribed by the *Building Official*, signed by the *owner* or *agent*, and must include
- (a) Plans and supporting documents showing the location and *building height* of the *building* or *structure* on the parcel;
 - (b) Plans and supporting documents showing *construction* details of the *building* or *structure*;
 - (c) A statement by the *owner* indicating the intended use and duration of the use;
 - (d) Plans and supporting documents showing the proposed parking and loading space;
 - (e) A written description of the *project* explaining why the *building* is temporary;
 - (f) A copy of an issued development *permit*, if required;
 - (g) In the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
 - (h) A report or drawing by an engineer, architect or designer confirming compliance with the *Building Code*, this bylaw, the Village's zoning bylaw and other applicable bylaws;
 - (i) Security in the form of cash or a letter of credit for 10% of the value of the *temporary building*, which security
 - i. May be used by the Village to remove the *building* after one year of the date of the final inspection required under this bylaw; or

- ii. Must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
- (j) In the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 11.66 Before receiving a *building permit* for a *temporary building* or *structure* for occupancy, the *owner* must pay to the Village of Keremeos the applicable *building permit* fee set out in the Village of Keremeos Fees and Charges Bylaw.
- 11.67 A *permit fee* for a *temporary building* or *structure* is not refundable.

PART 12: RETAINING WALLS AND GRADES

- 12.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 12.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 12.3 Without limiting section 12.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.
- 12.4 If a *Building Official* determines that an unsafe condition exists as a result of the *construction* of a *retaining wall* requiring a *building permit*, a guard or fence may be required.

PART 13: BUILDING MOVE

- 13.1 No person may move a *building* or *structure* into or within the Village of Keremeos
 - (a) Except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *Building Code*; and
 - (b) A *building permit* has been issued for the *building* or *structure*.

PART 14: NUMBERING OF BUILDINGS

- 14.1 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 Village of Keremeos
 - (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.
- 14.2 Despite section 14.1, the Village of Keremeos may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 14.3 Without limiting sections 14.1 or 14.2, the *Building Official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during *construction*.

- 14.4 Without limiting sections 14.1 through 14.3, on issuance of an *occupancy permit*, 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 15: SWIMMING POOLS

Swimming Pool Permit and Fencing

- 15.1 Without limiting section 6.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 15.2 A *permit* application for a *pool* must be accompanied by a plan showing:
- (a) The location of the proposed *pool* and any accessory *buildings* in relation to all *existing buildings* on the parcel and the parcel boundaries;
 - (b) The type of *construction* and the proposed method of enclosure.
- 15.3 A swimming *pool*, 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 1.22 metres and no openings greater than 100 mm at their greatest dimension.

Pool Gate

- 15.4 Access through a fence enclosing a swimming *pool*, 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.
- 15.5 A swimming *pool* which is located above ground and has vertical sides of at least 1.2 metres may be protected from access by fencing the access ladder with fencing in accordance with section 15.3.

Maintenance

- 15.6 A person may not use or *occupy* a swimming *pool*, unless the *owner* or *occupier* of property on or in which a *pool* is located maintains every fence or cover required under sections 15.3 to 15.5 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Drainage

- 15.7 Drainage from *pools* must be contained and disposed of on the same property as the *pool* is located and discharged to the ground where practical to do so.

PART 16: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

(Amended by Bylaw 835-01, 2023)

- 16.1 In relation to the conservation of energy, buildings may be constructed on or after May 1, 2023 in accordance with sections 9.36.2 to 9.36.4 of Division B of the Building Code.

PART 17: DEMOLITION PERMITS

- 17.1 Without limiting 6.1 of this bylaw, a person must not demolish or partially demolish a *building* or *structure* without making application and receiving a valid *permit*.

Application Requirements

- 17.2 An application for a *building permit* with respect to a demolition *permit* must
- (a) Be made in the prescribed form and signed by the *owner*, or a signing officer of the *owner* is a corporation;
 - (b) Pay applicable fees pursuant to the Village of Keremeos Fees and Charges Bylaw;
 - (c) Provide a site plan showing all *buildings* and *structures* and servicing locations;
 - (d) Provide a vacancy date;
 - (e) Provide a hazardous materials assessment and clearance letter for *buildings* or *structures* constructed prior to 1992;
 - (f) Include a Waste Disposal Plan or a Waste Disposal Application for Demolition and Renovation Waste in a form prescribed by the Village of Keremeos.
- 17.3 Applications for demolition *permits* will not be processed until the Disposal Plan or Waste Disposal Application is approved by the Village of Keremeos.

Demolition Sites

- 17.4 The demolition of *buildings* and *structures* shall be in accordance with Part 8 of the *Building Code* "Safety Measures at Construction and Demolition Sites".
- 17.5 Where required for industrial and commercial demolition sites, the *Environmental Management Act* shall apply.

PART 18: PLUMBING PERMITS

- 18.1 Without limiting section 6.1 of this bylaw, a person must not install, replace or alter a *plumbing system* without making application and receiving a valid *permit*.
- 18.2 An application for a plumbing *permit* shall
- (a) Be made in the prescribed form and signed by the *owner*, *agent* or a signing officer if the *owner* is a corporation;
 - (b) Include the applicable fee as set out in the Village of Keremeos Fees and Charges Bylaw;
 - (c) Include two (2) isometric drawings
- 18.3 The design, installation and maintenance of *plumbing systems* shall confirm to the BC Plumbing Code.

PART 19: CLIMATIC DATA

- 19.1 The climatic data for the design of *buildings* and *structures* are set out in the attached Appendix E. The *Building Official* shall determine the applicable zone in respect of any particular *building* location.

PART 20: OFFENCES

Violations

- 20.1 Without limiting PART 5: of this bylaw, 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; and
 - (c) 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.
- 20.2 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.
- 20.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued, pay additional fees as outlined in Section 11.20 of this bylaw.

Deemed Offence

- 20.4 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.
- 20.5 No person is deemed liable under section 20.4 who establishes, on a balance of probabilities, that the *construction* or change or use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 20.6 Nothing in section 20.5 affects
- (a) The Village of Keremeos' right to require and the *owner's* obligation to obtain a *permit*; and
 - (b) The obligation of the *owner* to comply with this bylaw.

Ticketing

- 20.7 The offences in Schedule 3 of the Village of Keremeos Municipal Ticketing Information Bylaw No. 803, 2013 are designated for enforcement.
- 20.8 The following persons are designated as bylaw enforcement officers under section 264(1)(b) of the *Community Charter* for enforcing the offences in the Village of Keremeos Bylaw Enforcement Officer Appointment Bylaw No. 723: Keremeos Bylaw Enforcement Officer.

Notice on Title

- 20.9 Where the Village of Keremeos has caused a notice to be filed on the title of a property in accordance with Section 57 of the *Community Charter*, the notice may be removed provided:
- (a) The *owner* has obtained a new *permit* for the correction of the deficient *construction*;

- (b) The deficient *construction* has been corrected and completed so that the conditions which gave rise to the filing of the notice have been rectified; and
- (c) The *owner* has paid the applicable fee set out in the Village of Keremeos Fees and Charges Bylaw.

PART 21: REPEAL

- 21.1 Village of Keremeos Building Bylaw, 800, 2013, as amended, is repealed as of the date of adoption.
- 21.2 Despite Section 21.1, with respect to a *building permit* issued on or before the date of adoption, provisions of Bylaw 800, 2013 shall apply as if the bylaw remained in force.

PART 22: IN FORCE

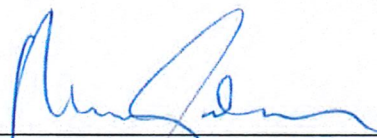
- 22.1 This bylaw comes into force as of the date of adoption, below.

READ A FIRST TIME this 6th day of August, 2019.

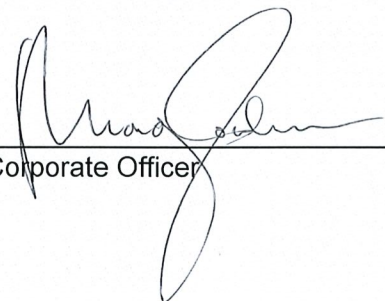
READ A SECOND TIME this 6th day of August, 2019.

READ A THIRD TIME this 3rd day of September, 2019.

ADOPTED this 16th day of September, 2019.


MAYOR
CHIEF ADMINISTRATIVE OFFICER

Consolidated under the provisions of the Community Charter to include Bylaw 835-01, 2023.
Printed under the authority of the Corporate Officer of the Village of Keremeos this 6th day of June 2023.


Corporate Officer

Appendix B – Owner’s Undertaking

Property address: _____

Legal description: _____

1. This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the Village of Keremeos will rely on same.
2. I confirm that I have applied for a building permit pursuant to “Village of Keremeos Building Bylaw No. 835, 2019 (the “Bylaw”) and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge and accept the provisions describing the purpose of the Bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the Building Code and the Bylaw whether any work to be performed pursuant to the permit applied for is done by me, a contractor or a registered professional.
4. I am not in any way relying on the Village of Keremeos or its building officials, as defined under the Bylaw, to protect the owner or any other persons as set out in PART 4: of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the Village of Keremeos or its building officials.
5. I hereby agree to indemnify and save harmless the Village of Keremeos and its employees from all claims, liability, judgments, costs and expenses of every kind which may result from negligence or from the failure to comply fully with all bylaws, statutes and regulations relating to any work or undertaking in respect of which this application is made.
6. I am authorized to give these representations, warranties, assurance and indemnities to the Village of Keremeos.

Owner’s Information:

Name (print): _____

Name (print): _____

Address: _____

Telephone No: _____ Cell No. _____ Fax No: _____

E-mail: _____

Date: _____

Signature: _____

Where owner is an **individual**:

Owner's Signature

Owner's Name (print)

Signed, sealed and delivered in the presence of:

Witness's Signature

Witness's Name (print)

Witness's Address

Where owner is a **corporation**:

Name of Corporation

Per:
Authorized Signatory

Name

(PRINT)

Signed, sealed and delivered in the presence of:

Witness's Signature

Witness's Name (print)

Witness's Address

Where owner is a **partnership**:

Name of Partnership

Per:
Authorized Signatory

Name

(PRINT)

Signed, sealed and delivered in the presence of:

Witness's Signature

Witness's Name (print)

Witness's Address

Appendix C – Confirmation of Professional Liability Insurance

1. *This Confirmation Letter must be submitted along with each BC Building Code Schedule A and Schedule B before issuance of a building permit. A separate Confirmation Letter must be submitted for each registered professional.*
2. *This Confirmation Letter must be submitted with each BC Building Code Schedule C after completion of the building but before a final inspection is made by the Building Official. A separate Confirmation Letter must be submitted for each registered professional.*
3. *Only an original Confirmation Letter, printed by the Village of Keremeos, or an unaltered photocopy of this document is to be completed and submitted.*

Attention: Manager, Inspections

Property Address: _____

Legal Description: _____

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the Village of Keremeos Building Bylaw 835, 2019;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a registered professional; and
- e) I will notify the building official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

Name:

Name (print)

Date

Signature

(Affix professional seal here)

Address

Phone

If the registered professional is a member of a firm, complete the following:

I am a member of this firm:

Name of Firm

Address

I sign this letter on behalf of myself and the firm.

Note: This Confirmation Letter must be signed by a registered professional. The BC Building Code defines a registered professional as a person who is registered or licensed to practice (a) as an architect under the Architects Act, or (b) as a professional engineer under the Engineers and Geoscientists Act.

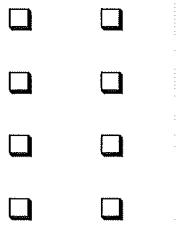
Appendix D – Confirmation of Required Documentation

Note:

1. *The Confirmation of Required Documentation and all required documentation must be submitted to the Chief Building Inspector 48 hours prior to the pre-occupancy Co-ordinated Review.*
2. *The Confirmation of Required Documentation and all required documentation must be submitted in a tabbed ringed binder, with tab sections as per this Appendix.*

	Provided	N/A	
TAB 1	☐	☐	CONFIRMATION OF REQUIRED DOCUMENTATION
TAB 2	☐	☐	DIRECTORY OF PRINCIPALS (Role/Firm/Name/Telephone)
	☐	☐	Owner
	☐	☐	Co-ordinating Registered Professional
	☐	☐	Registered Professionals
	☐	☐	Warranty Provided
	☐	☐	Licensed Builder
	☐	☐	Sub-Contractors
TAB 3	☐	☐	LETTERS OF ASSURANCE (A, B, C-A, C-B)
	☐	☐	Co-ordinating Registered Professional
	☐	☐	Architectural
	☐	☐	Structural
	☐	☐	Mechanical
	☐	☐	Plumbing
	☐	☐	Electrical
	☐	☐	Geotechnical Temporary
	☐	☐	Geotechnical Permanent
	☐	☐	Fire Suppression
	☐	☐	(Other – specify)_____

TAB 4	☐	☐	PROFESSIONAL REVIEW LETTERS
	☐	☐	Alternative Solution (Confirmation of Field Review – sealed)
	☐	☐	Site Services – Civil Engineer
	☐	☐	Building Envelope Specialist
	☐	☐	Roofing Consultant
	☐	☐	Generator Test Report / Certificate
	☐	☐	(Other – specify)_____
	☐	☐	(Other – specify)_____
TAB 5	☐	☐	FIRE ALARM
	☐	☐	Fire Alarm Verification Certificate (include field work sheets)
	☐	☐	Letter of Signed Contract from ULC Listed Monitoring Agency
TAB 6	☐	☐	SPRINKLER SYSTEMS
	☐	☐	Material and Test Certificate – Above ground piping
	☐	☐	Material and Test Certificate – Underground piping
	☐	☐	Fire Pump Test Report
TAB 7	☐	☐	PROVINCIAL APPROVALS
	☐	☐	Certificate to Operate Elevating Device (one per each device)
	☐	☐	Health Approval (on-site sewage disposal)
	☐	☐	Health Approval (food services)
TAB 8	☐	☐	REGIONAL DISTRICT APPROVALS
	☐	☐	Sprinkler Permit – pre-occupancy Co-ordinated Review
	☐	☐	Fire Department Acceptance (Fire Safety Plan)
	☐	☐	Final Inspection (Building Inspector – pre-occupancy review)
	☐	☐	Developmental Engineering Final Inspection
	☐	☐	Planning Technicians Final Inspection
TAB 9	☐	☐	DEFICIENCY LIST



Submitted by Coordinating Registered Professional

Name:

Name (print)

Date

Signature

(Affix professional seal here)

Address

Phone

Appendix E – Village of Keremeos Climatic Data

January 2.5% Design Temperature	-16 C
January 1% Design Temperature	-18 C
July 2.5% Design Temperature Dry	33 C
July 2.5% Design Temperature Wet	20 C
Degree Days Below 18 C	3350
15 Minute Rainfall	10 mm
One Day Rainfall (1/50)	42 mm
Annual Rainfall	260 mm
Moisture Index	0.27
Annual Total Precipitation	325 mm
Driving Rain Wind Pressures (Pa,1/5)	60
Snow Load kPa (1/50 – SNOW Ss)	1.1 kPa/23 lbs.
Snow Load kPa (1/50 – RAIN Sr)	0.1
Hourly Wind Pressure kPa (1/10)	0.29
Hourly Wind Pressure kPa (1/50)	0.44
Seismic Data	
Sa (0.2)	0.277
Sa (0.5)	0.173
Sa (1.0)	0.096
Sa (2.0)	0.057
PGA	0.137
Minimum Depth of Frost Protection	600 mm
Geodetic Elevation	434.9 m
Mild Climate Indicator (MCI) (9.25.1.2.(6) 2006 BCBC) (A)	6550
Capillary Break Required (9.27.2.2.(5) 2006 BCBC)(B)	NO

- A. $MCI = \text{abs}(2.5\% \text{ JMT}) \times 200 + DD(9.25.1.2.(6))$ – Heat Transfer, Air Leakage and Condensation Control – General – 2006 BCBC
- B. Capillary break (9.27.2.2.(5) – Required Protection from Precipitation 2006 BCBC) is required when:
- # of degree days (DD) less than 3400 MI greater than 0.9
 - # of DD more than 3400 and MI greater than 1.0