

Village of Radium Hot Springs

Bylaw No. 392, 2013

A bylaw, to regulate the construction, alteration, repairs or demolition of
buildings and structures.

WHEREAS the *Community Charter* and the *Local Government Act* authorizes the Village of Radium Hot Springs, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE THE COUNCIL OF the Village of Radium Hot Springs, in open meeting assembled, enacts as follows:

1. Title

1. This bylaw may be cited for all purposes as the “Village of Radium Hot Springs Building and Plumbing Bylaw No. 392, 2013”.

2. Definitions

2. In this bylaw:

The following words and terms have the meanings set out in Section 1.4.1.2 of the British Columbia Building Code: ***assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, registered professional, and residential occupancy.***

Building Code means the *British Columbia Building Code 2012* as adopted by the Minister pursuant to the *Local Government Act*, as amended or re-enacted from time to time.

Building Official includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Village of Radium Hot Springs.

Complex Building means:

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

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, 9.33, 9.34, 9.35, and 9.36 of Part 9 of the **Building Code**.

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

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

Structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 meters in height.

Swimming Pool means any structure or construction intended primarily for recreational bathing and swimming that is or is capable of being filled with water to a depth of 450mm (18 in) or greater. A swimming pool excludes factory built hot tubs serving single family or two family dwellings.

3. Purpose of Bylaw

3.1 The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.

3.2 This bylaw has been enacted for the purpose of regulating construction within the Village of Radium Hot Springs in the general public interest. The activities undertaken by or on behalf of the Village of Radium Hot Springs pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for health and safety aspects of the work and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

3.2.1 to the protection of **owners, owner/builders or constructors** from economic loss;

3.2.2 to the assumption by the Village of Radium Hot Springs or any **building official** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors or designers** retained by him or her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;

3.2.3 to providing any person a warranty of design or workmanship with respect to any **building, structure or plumbing system** for which a building permit or occupancy permit is issued under this bylaw;

3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village of Radium Hot Springs is free from latent, or any defects.

4. Permit Conditions

4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.

4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Village of Radium Hot Springs shall in any

way relieve the **owner** or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and or other applicable enactments respecting safety.

- 4.3 It shall be the full and sole responsibility of the **owner** (and where the **owner** is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the **Building Code** and this bylaw or other applicable enactments respecting safety.
- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Village of Radium Hot Springs constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

5. Scope and Exemptions

- 5.1 This bylaw applies to:
 - 5.1.1 the design, construction and **occupancy** of new **buildings, structures** and **plumbing systems**, and the alteration, reconstruction, demolition, removal, relocation and **occupancy** of existing **buildings, structures** and **plumbing systems**.
- 5.2 This bylaw does not apply to:
 - 5.2.1 **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, nor to retaining **structures** less than 1.5 meters in height.
 - 5.2.2 roofless open decks, use of which is ancillary to that of a building classified as **residential occupancy** for use as a single family dwelling located on the same parcel, and which are less than 600mm (24 In) above grade to the top of the floor system, and not greater than 10 sq. m (110 sq. ft.) in area.

- 5.2.3 the repair or replacement of a valve, faucet, fixture or sprinkler head or stoppage cleared or a leak repaired in a **plumbing system** if no change in piping is required.

6. Prohibitions

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the **occupancy** of any **building, structure, or plumbing system**, including excavation or other work related to construction unless a **building official** has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any **building or structure** unless a valid and subsisting occupancy permit has been issued by a **building official** for the **building or structure**, or contrary to the terms of any permit issued or any notice given by a **building official**.
- 6.3 No person shall knowingly submit false or misleading information to a **building official** in relation to any permit application or construction undertaken pursuant to this bylaw.
- 6.4 No person shall, unless authorized in writing by a **building official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a **building, structure or plumbing system** pursuant to this bylaw.
- 6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a **building, structure or plumbing system** or other works for which a permit has been issued, unless that variance has been accepted in writing by a **building official**.
- 6.6 No person shall obstruct the entry of a **building official** or other authorized official of the Village of Radium Hot Springs on property in the administration of this bylaw.

7. Building Officials

- 7.1 Each **building official** may:
 - 7.1.1 administer this bylaw and prescribe the form of permit applications, permits, notices and orders except to the extent that the form is prescribed by this bylaw;

- 7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm or digital copies of such documents.
 - 7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building, structure or plumbing system** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.
- 7.2 A **building official**:
- 7.2.1 may enter any land, **building, structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - 7.2.3 shall carry proper credentials confirming his or her status as a **building official**.
- 7.3 A **building official** may order the correction of any work that is being or has been done in contravention of this bylaw.

8. Applications

- 8.1 Every person shall apply for and obtain:
- 8.1.1 a building permit before constructing, repairing or altering a **building or structure**;
 - 8.1.2 a plumbing permit before constructing, repairing, or altering a **plumbing system**;
 - 8.1.3 a moving permit before moving a **building or structure**;
 - 8.1.4 a demolition permit before demolishing a **building or structure**;
 - 8.1.5 a permit prior to construction, alteration, or installation of a fireplace, chimney or a solid fuel burning appliance unless the works are encompassed by a valid building permit.

- 8.2 All plans submitted with permit applications shall bear the name and address of the **designer** of the **building** or **structure**.
- 8.3 Each **building, structure** or **plumbing system** to be constructed on a site requires a separate permit and shall be assessed a separate permit fee in accordance with Schedule A to this bylaw.

9. Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a **complex building** shall:
 - 9.1.1 be made in the form prescribed by the Village of Radium Hot Springs, signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
 - 9.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form 1 to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - 9.1.3 include a copy of a title search made within 30 days of the date of the application;
 - 9.1.4 include a site plan prepared by a British Columbia Land Surveyor showing:
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.4.2 the legal description and civic address of the parcel;
 - 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 9.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of Radium Hot Springs's land use regulations establish siting requirements related to flooding;

- 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village of Radium Hot Springs's land use regulations establish siting requirements related to minimum floor elevation; and
- 9.1.4.7 the location, dimension and gradient of parking and driveway access;
- 9.1.4.8 the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
- 9.1.5 include floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 9.1.6 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.7 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 9.1.8 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building, structure** or **plumbing system** substantially conforms to the **Building Code**;
- 9.1.9 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 9.1.10 include a letter of assurance in the form of Schedule A as referred to in section 2.2.7 of Part 2 Division C of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**;
- 9.1.11 include letters of assurance in the form of Schedule B as referred to in section 2.2.7 of Part 2 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, structure or plumbing system**;

9.1.12 include two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.5 – 9.1.8 of this bylaw;

9.2 In addition to the requirements of section 9.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building or structure** or siting circumstances warrant:

9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with any bylaw of the Village of Radium Hot Springs under s.938 of the *Local Government Act* or any successor legislation;

9.2.2 a section through the site showing grades, **buildings, structures**, parking areas and driveways;

9.2.3 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, structure or plumbing system**.

9.3 The **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building, structure or plumbing system**.

10. Applications for standard buildings

10.1 An application for a building permit with respect to a **standard building** shall:

10.1.1 be made in the form as prescribed by the Village of Radium Hot Springs, signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form 1 to this

bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.3 include a copy of a title search made within 30 days of the date of the application;

10.1.4 include a site plan showing:

10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

10.1.4.2 the legal description and civic address of the parcel;

10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

10.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;

10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of Radium Hot Springs's land use regulations establish siting requirements related to flooding;

10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village of Radium Hot Springs' land use regulations establish siting requirements related to minimum floor elevation; and

10.1.4.7 the location, dimension and gradient of parking and driveway access;

10.1.4.8 the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.

10.1.5 floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows;

- floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 10.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 10.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 10.1.10 two sets of drawings at a suitable scale of the design including the information set out in sections 10.1.5 – 10.1.8 of this bylaw.
- 10.2 In addition to the requirements of section 10.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **standard building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
 - 10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Village of Radium Hot Springs' subdivision servicing bylaw;
 - 10.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - 10.2.3 a roof plan and roof height calculations;
 - 10.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
 - 10.2.5 letters of assurance in the form of Schedule B as referred to in section 2.2.7 of Part 2 Division C of the **Building Code**, signed by the **registered professional**;

10.2.6 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, structure or plumbing system**.

11. Professional Plan Certification

- 11.1 The letters of assurance in the form of Schedule B referred in section 2.2.7 of Part 2 Division C of the **Building Code** and provided pursuant to sections 9.1.11, 10.1.10, 10.2.5, and 15.1 of this bylaw are relied upon by the Village of Radium Hot Springs and its **building officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.
- 11.2 A building permit issued pursuant to section 11.1 of this bylaw shall include a notice to the **owner** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.
- 11.3 When a building permit is issued in accordance with section 11.1 of this bylaw the permit fee shall be reduced by 5% of the fees payable pursuant to Schedule A to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

12. Fees and Charges

- 12.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule A to this bylaw, shall be paid in full prior to issuance of any permit under this bylaw.
- 12.2 An application made for a building permit shall be accompanied by the appropriate plan-check deposit as set out in Schedule A to this bylaw.
- 12.2.1 The plan-check deposit is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 12.2.2 An application shall be cancelled and the plan-processing fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of written notification to the **owner** that the permit is ready to be issued.

- 12.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.3 The **owner** may obtain a refund of the permit fees set out in Schedule A to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
- 12.31. the refund shall not include the plan check deposit paid pursuant to section 12.2 of this bylaw; and
- 12.32. no refund shall be made where construction has begun or an inspection has been made.
- 12.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A to this bylaw shall be paid prior to additional inspections being performed.
- 12.5 For a required permit inspection requested to be done after the hours during which the offices of Village of Radium Hot Springs are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule A to this bylaw.
- 12.6 An inspection charge, as set out in Schedule A to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing **building, structure or plumbing system** for which a permit is sought under this bylaw.
- 12.7 Prior to the issuance of a permit to construct, alter or demolish a **building or structure**, the applicant shall deposit with the Village a cash security deposit in respect of damage to Village works and property that may be caused in the course of the construction or demolition authorized by the permit, unless a **building official** determines that the proposed work cannot reasonably be expected to cause such damage.
- 12.8 The full amount of the security, less an administration fee of \$50.00 shall be refunded to the applicant upon the **building official** being satisfied with the repair, replacement and clean-up of any water and sewer works, roadways, curbs gutters, sidewalks, boulevards, and other Village works or property damaged in the course of the construction or demolition authorized by the permit.

- 12.9 If the repairs, replacement or clean-up referred to in section 12.8 has not been completed satisfactorily within 60 days of the issuance of a notice to comply, the Village by its workers or others may carry out and complete the necessary work, recover the cost from the security, and return the balance, if any, less the administration fee to the applicant.
- 12.10 Prior to the issuance of a permit to move a **building**, the applicant shall deposit with the Village a cash security deposit of \$1000.00 in respect of damage to Village works and property that may be caused in the course of moving the **building** and sections 12.8 and 12.9 shall apply.

13. Building Permits

- 13.1 When:
- 13.1.1 a completed application including all required supporting documentation has been submitted;
 - 13.1.2 the proposed work set out in the application substantially conforms with the **Building Code**, governing the **health and safety aspects of the work**, this bylaw and all other applicable bylaws and enactments;
 - 13.1.3 the **owner** or his or her representative has paid all applicable fees and deposits set out in Schedule A of this bylaw;
 - 13.1.4 the **owner** or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
 - 13.1.5 no enactment, covenant, agreement, or regulation in favour of, or regulation of, Village of Radium Hot Springs authorizes the permit to be withheld;
 - 13.1.6 the **owner** has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*;
 - 13.1.7 the **owner** has retained an architect if required by the provisions of the *Architects Act*;
- a **building official** shall issue the permit for which the application is made.
- 13.2 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued

unless the **owner** provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed **building**:

13.2.1 is covered by home warranty insurance, and

13.2.1 the **constructor** is a licensed residential builder.

13.3 Section 13.2 of this bylaw 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*.

13.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:

13.4.1 the work authorized by the permit is not commenced within 12 months from the date of issuance of the permit; or

13.4.2 work is discontinued for a period of 12 months;

13.4.3 the work authorized by the permit is not completed within 24 months from the date of issuance of the permit.

13.5 A **building official** may extend the period of time set out under sections 13.4.1 and 13.4.2 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.

13.6 A **building official** may issue an excavation permit prior to the issuance of a building permit.

13.7 A **building official** may issue a building permit for a portion of a **building structure, or plumbing system** before the design, plans and specifications for the entire **building, structure or plumbing system** have been accepted, provided sufficient information has been provided to the Village of Radium Hot Springs to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the **building, structure or plumbing system** has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the **building, structure or plumbing system** as if the permit for the portion of the **building, structure or plumbing system** had not been issued.

- 13.8 When a site has been excavated under an excavation permit issued pursuant to section 13.6 of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.4, but without the construction of the **building** or **structure** for which the building permit was issued having commenced, the **owner** shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the Village of Radium Hot Springs to do so.

14 Disclaimer of Warranty or Representation

- 14.1 Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a **building official**, shall constitute a representation or warranty that the **Building Code** or the bylaw have been complied with or the **building, structure** or **plumbing system** meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this bylaw or any standard of construction.

15 Professional Design and Field Review

- 15.1 When a **building official** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a **registered professional** provide design and plan certification and **field review** by means of letters of assurance in the form of Schedules B and C-B referred to in section 2.2.7 of Part 2 Division C of the **Building Code**.
- 15.2 Prior to the issuance of an occupancy permit for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with sections 10.2.5 or 15.1 of this bylaw, the **owner** shall provide the Village of Radium Hot Springs with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.2.7 of Part 2 Division C of the **Building Code**.
- 15.3 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11, 10.2.5, 15.1 or 15.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the **building official** in the form of Form 2 to this bylaw.

16 Responsibilities of the *Owner*

- 16.1 Every **owner** shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- 16.2 Every **owner** to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 16.3 Every **owner** to whom a permit is issued shall, during construction:
 - 16.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 16.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 16.3.3 post the civic address on the property in a location visible from any adjoining streets.

17 Inspections

- 17.1 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11, 10.2.5, 15.1 or 15.2 of this bylaw, the Village of Radium Hot Springs will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 15.2 of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- 17.2 Notwithstanding section 17.1 of this bylaw, a **building official** may attend the site from time to time during the course of construction to ascertain that the **field reviews** are taking place and to monitor the **field reviews** undertaken by the **registered professionals**.
- 17.3 A **building official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with the those portions of the **Building Code**, this bylaw and any other applicable enactment concerning safety.

- 17.4 The **owner** or his or her representative shall give at least 24 hours notice to the Village of Radium Hot Springs when requesting an inspection and shall obtain an inspection and receive a **building official's** acceptance of the following aspects of the work prior to concealing it:
- 17.4.1 When the footing and/or foundation wall forms are complete but prior to the placing of any concrete;
- 17.4.2 installation of perimeter drain tiles and dampproofing, prior to backfilling;
- 17.4.3 when the underslab portion of the **plumbing system** and soil gas control measures are complete, prior to covering;
- 17.4.4 when the air barrier system under the floor slab is in place and sealed, prior to covering with concrete;
- 17.4.5 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
- 17.4.6 the framing and sheathing, when framing and sheathing of the building are complete including fire-stopping, bracing, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, lath or other interior or exterior finish is applied which could conceal such work;
- 17.4.7 rough plumbing, including pressure testing;
- 17.4.8 insulation and vapour barrier;
- 17.4.9 when the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**;
- 17.4.10 Final, including site clean-up and rough landscaping;
- 17.4.11 When otherwise required by the **building official**.
- 17.5 No aspect of the work referred in section 17.4 of this bylaw shall be concealed until a **building official** has accepted it in writing.
- 17.6 When required by the **building official**, in **standard buildings** or **structures** every **owner** shall uncover and replace at his or her own

expense any work that has been covered prior to inspection or contrary to an order issued by the **building official**.

- 17.7 The requirements of section 17.4 of this bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance provided in accordance with sections 9.1.11, 10.2.5, 15.1 or 15.2 of this bylaw.
- 17.8 In relation to the installation of solid fuel burning appliances in new and existing **buildings**, the **owner** or his or her representative shall give at least 24 hours notice to the Village when requesting an inspection and shall obtain an inspection and receive the **building official's** acceptance of the installation.
- 17.9 In the case of a solid-fuel burning appliance in a new building, the scope of the inspection shall include:
 - 17.9.1 The requirements of Article 9.33.5.3 of the **Building Code**, and the **building official** shall rely on the presence of a certification from an approved testing agency on the appliance as evidence of compliance with Article 9.33.5.3; and
 - 17.9.2 The requirements of Section 9.21 of the **Building Code**.
- 17.10 In the case of a solid-fuel burning appliance in an existing **building** with an existing chimney or flue, the scope of the inspection shall include:
 - 17.10.1 The requirements of Article 9.33.5.3 of the **Building Code**, and the **building official** shall rely on the presence of a certification from an approved testing agency on the appliance as evidence of compliance with Article 9.33.5.3; and
 - 17.10.2 The applicable requirements of Sections 9.21 and 9.22 of the **Building Code**.
- 17.11 The **building official** shall not inspect or approve for installation any used solid fuel burning appliance that does not bear a certification from an approved testing agency placed on the appliance by the manufacturer.

18 Occupancy Permits

- 18.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued.

18.2 An occupancy permit shall not be issued unless:

18.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 10.2.5, 15.1 and 15.2 of this bylaw.

18.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 17.4 of this bylaw have both been inspected and accepted.

18.3 A **building official** may issue an occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 18.2 of this bylaw have been met with respect to it.

19 Retaining Structures

19.1 A **registered professional** shall undertake the design and conduct **field reviews** of the construction of a retaining structure greater than 1.5 meters in height. Sealed copies of the design plan and **field review** reports prepared by the **registered professional** for all retaining structures greater than 1.5 meters in height shall be submitted to a **building official** prior to acceptance of the works.

20 Swimming Pools

20.1 Every **swimming pool** shall be totally enclosed by a fence (as described herein), a **building** or a combination of fence and **building**.

20.2 Fences shall not be less than 1.8m (5.9 ft) in height. The base of every fence shall not be more than 100mm (4 in) above ground or adjacent grade.

20.3 Access through required fences shall be by means of self-closing gates so designed as to cause the gate to become secured with self-latching devices located on the **swimming pool** side of the fence and at a height of at least 1 m (3.3 ft) above grade or on the outside of the fence at least 1.5m (4.9 ft) above grade.

20.4 The **owner** shall give a minimum of 48-hours notice to the **building official** requesting a final inspection when the permanent fencing and gate(s) are in place. Occupancy and filling of the pool with water is not authorized until such time as a final inspection is complete and an Occupancy Permit issued.

21 Penalties and Enforcement

- 21.1 Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- 21.2 Every person who fails to comply with any order or notice issued by a **building official**, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 21.3 A **building official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work notice.
- 21.4 The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.
- 21.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this bylaw a **building official** may post a Do Not Occupy notice on the affected part of the **building** or **structure**.
- 21.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- 21.7 Every person who commences work requiring a building permit without first obtaining such a permit shall, pay double the value of the permit fee, to a maximum of \$500.00, prior to obtaining the required permit.

22 Severability

- 22.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

23 Forms and Schedules

23.1 Forms "1 & 2" and Schedule "A" attached to this Bylaw form a part of this bylaw.

24 Repeal

Building Bylaw No 204, 2000, and all amendments thereto are hereby repealed in their entirety.

25 Force and Effect

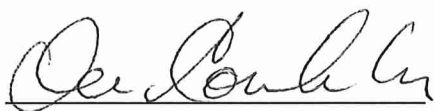
This bylaw shall come into force and effect upon its adoption.

READ A FIRST TIME the 13TH day of MAR, 2013

READ A SECOND TIME the 13TH day of MAR, 2013

READ A THIRD TIME the 13TH day of MAR, 2013

RECONSIDERED AND ADOPTED the 27TH day of MAR, 2013



MAYOR



CLERK

Certified a true copy of
Bylaw No. 392, 2013

CLERK

Form 1 ACKNOWLEDGEMENT OF OWNER OR OWNER'S AGENT

(NOTE: An agent may not apply for or obtain a building permit on behalf of an owner without having provided a written authorization by the owner, in the form provided by the Village of Radium Hot Springs for that purpose)

I acknowledge that the owner of the land in respect of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting safety.

I acknowledge that the Village of Radium Hot Springs provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting safety.

If the Village has so indicated on this permit, I acknowledge that the Village has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Village, by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

If I am executing this acknowledgement as the agent of the owner, I represent to the Village that:

- I am authorized by the owner to receive this permit and make these acknowledgements on the owner's behalf; and
- The owner is aware that the owner is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting safety.

Property Civic Address

Permit No.

Property Legal Description

Owner of Agent Name (Print)

Owner or Agent Signature

Signed this _____ day of _____ 20____

FORM 2 REGISTERED PROFESSIONAL'S PROOF OF INSURANCE

Village of Radium Hot Springs
PO Box 340
Radium Hot Springs, BC
VOA 1M0

ATTENTION: BUILDING OFFICIAL

RE: _____
 (Civic address of project)

The undersigned hereby gives Assurance that:

- a) I have fulfilled my obligation to obtain a policy of professional liability insurance as outlined in section 15.3 of the Building and Plumbing Bylaw 392, 2013;
- b) I have enclosed a copy of my certificate of insurance indicating the particulars of such coverage;
- c) I am a registered professional as defined in the current edition of the British Columbia Building Code;
- d) I will notify the Building Official immediately if this insurance coverage is reduced or terminated at any time during construction.

Name of Registered Professional (print)

[affix seal]

Signature of Registered Professional

Date

Name of Firm

SCHEDULE A FEE SCHEDULE

Village of Radium Hot Springs

BYLAW NO. 392, 2013

BUILDING SERVICES	FEES
Plan Check Deposit (non-refundable-credited against the permit fee, when the permit is issued) – residential	\$75.00
Plan Check Deposit (non-refundable-credited against the permit fee, when the permit is issued) – industrial, commercial, multi-family dwellings	10% of building permit fee
Building Permit	Minimum \$75.00 Plus \$7 per \$1,000 or portion thereof
Renewal of a lapsed Permit shall be determined by the value of the work to be completed	\$75.00 Plus \$7 per \$1,000 or portion thereof
Plumbing Permit – per fixture	Minimum \$30.00 Plus \$9.00 per fixture
Fire Sprinkler System	Minimum \$100.00 Plus \$5.00 per head
Re-inspections (first inspection no charge)	\$100.00
Inspections outside of normal Village business hours	\$150.00 per hour
Compliance inspection of existing buildings - residential	\$110.00
Compliance inspection of existing buildings – industrial, commercial, multi-family dwelling	\$390
Transfer of Building Permit to new owner	\$50.00
Submission of new plans after plan check (applied to major change after plan check or issuance of permit)	\$180.00
Installation of solid fuel burning appliance	\$75.00
Demolishing a building	\$75.00
Siting of a manufactured building	\$150.00
Moving Permit	\$100.00
Municipal property protection security deposit	\$1000.00

Where work has started prior to the issuance of a Building Permit, the Permit fee payable shall be doubled	Maximum Penalty \$500.00

Valuation Schedule

Single Family and Two Family dwellings Single storey with unfinished basement	\$1,936.00/ sq. m. (\$180.00/ sq. ft.)
Finished Basements	\$645.60/ sq. m. (\$60.00/ sq. ft.)
Finished 2 nd or 3 rd storey	\$1,076.00/ sq. m. (\$100.00/ sq. ft.)
IN ADDITION TO THE ABOVE ADD THE FOLLOWING	
Decks & Sheds	\$269.00/ sq. m. (\$25.00/ sq. ft.)
Carports	\$376.60/ sq. m. (\$35.00/ sq. ft.)
Garages	\$430.40/ sq. m. (\$40.00/ sq. ft.)
Manufactured Home Additions	\$430.40/ sq. m. (\$40.00/ sq. ft.)

The value of construction for multiple dwellings, commercial, industrial, institutional and all other categories shall be the contract price together with a reasonable allowance for extras or, where there is no contract price, the cost estimated by the building official of construction of the building according to the plans and specifications submitted in support of the application for a Permit.