

**VILAGE OF LUMBY
BYLAW NO. 834, 2019**

CONSOLIDATED FOR CONVENIENCE

This document is an office consolidation of the above-noted Bylaw and includes the amendments listed below. This Bylaw has been consolidated for convenience and is intended for information and reference purposes only. This document is not the official version of the Bylaw. Be advised that plans, pictures, other graphics or text in the official version may be missing or altered in this consolidated version. Where accuracy is critical, please contact the Village of Lumby.

TEXT AMENDMENTS

Bylaw No.	Adopted	Amendment
839, 2020	March 16, 2020	– Replace Fees and Charges Schedule A
863, 2021	December 15, 2021	– Amend to include BC Energy Step Code requirements
882, 2023	May 1, 2023	– Amend to update BC Energy Step Code requirements to align with the Building Code
889, 2023	November 20, 2023	– Replace Fees and Charges Schedule A

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**VILLAGE OF LUMBY
BUILDING BYLAW NO. 834, 2019**

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SECTION ONE – SCOPE AND APPLICABILITY

WHEREAS the Village of Lumby is desirous to implement a new bylaw to regulate building inspection services in the Village of Lumby.

AND WHEREAS under Part 3, Division 8 of the *Community Charter* and section 298 of the *Local Government Act* authorizes the Village of Lumby, for the health, safety and protection of persons and property, to by bylaw, establish regulations for a building inspection service and other related regulations.

AND WHEREAS the Province of British Columbia has adopted a Building Code to govern standards with respect to the construction, alteration, repair and demolition of buildings in municipalities and regional districts.

AND WHEREAS it is deemed necessary to provide for the administration of the British Columbia Building Code.

NOW THEREFORE the Council of the Village of Lumby in an open meeting assembled ENACTS AS FOLLOWS:

101 CITATION

This Bylaw may be cited as ***“Village of Lumby Building Bylaw No. 834, 2019”***.

102 SCHEDULES

The following schedules are attached to and form part of this bylaw:

Schedule “A”	Fees and Charges
Schedule “B”	Climate Values

103 PURPOSE OF BYLAW

1. This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with Section 103.2.
2. This Bylaw is enacted and retained for the purpose of regulating construction in the general public interest within the area where this Bylaw has force and effect. The activities undertaken by or on behalf of the Village of Lumby pursuant to this Bylaw are for the sole purpose of providing a limited spot check for health, safety and the protection of persons and property. The purpose of this Bylaw does not include:
 - a. the protection of owners, owner/builders or constructors from economic loss;
 - b. the assumption by the Village of Lumby of any responsibility for ensuring the compliance by any owners, his or her representatives or any employees, constructors or designers retained by him or her, with the Building Code, the requirements of this Bylaw or any other applicable codes or standards;
 - c. providing any person a warranty of design or workmanship with respect to any building or structure for which a permit is issued under this Bylaw; or

- d. providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village of Lumby is free from latent, or any other defects.

104 PERMIT CONDITIONS

1. A permit is required whenever work regulated under this Bylaw is to be undertaken.
2. 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 Lumby shall in any way relieve the owner or his or her representative from full and sole responsibility to perform the work in strict accordance with the Building Code, this Bylaw and all other codes, standards and applicable enactments.
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, this Bylaw and all other applicable codes, standards and enactments.
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 Lumby constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or any other applicable codes, standards or enactments have been complied with.

105 SCOPE AND GENERAL EXEMPTIONS

1. This Bylaw applies to the design, construction and occupancy of new buildings and structures; the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures; and the installation of plumbing works.
2. As a general exemption to all regulations of this Bylaw, this Bylaw does not apply to:
 - a. buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein;
 - b. accessory buildings less than 10 square metres in building area that do not create a hazard, on the condition that the building is sited in accordance with the Village of Lumby Zoning Bylaw;
 - c. retaining structures 1.2 metres in height or less;
 - d. fences;
 - e. non-structural repairs or alterations to a building or structure or the repair or replacement of plumbing works;
 - f. bridges, except pedestrian and vehicle bridges attached to buildings;
 - g. docks or wharves, except where a building is constructed on a dock or wharf;
 - h. deck additions, except a deck where the difference in elevation between the deck surface and the ground surface at any point is 0.6 metres or more and on the condition that the deck is sited in accordance with the Zoning Bylaw;
 - i. greenhouses or other similar structures covered by a polyethylene film and intended to be used only for storage purposes or the production of agricultural products; on the condition that the structure is sited, and the uses are in accordance with the Village of Lumby Zoning Bylaw;

- j. travel trailers and similar recreational vehicles within a commercial campground as designated by the Village of Lumby;
- k. site services within a manufactured home park or a commercial campground as designated by the Village of Lumby; nor
- l. site services for a bare land strata development under the *Strata Property Act*.

SECTION TWO – INTERPRETATION

In this Bylaw the following words and terms have the meanings as set out in the BC Building Code:

- | | |
|--|--|
| - alteration | - assembly occupancy |
| - basement | - building |
| - building area | - building height |
| - business and personal services occupancy | - chimney |
| - care or detention occupancy | - coordinating registered professional |
| - constructor | - dwelling unit |
| - designer | - grade |
| - field review | - industrial occupancy |
| - foundation | - major occupancy |
| - high hazard industrial occupancy | - mercantile occupancy |
| - low hazard industrial occupancy | - owner |
| - medium hazard industrial occupancy | - storey |
| - occupancy | - water system |
| - residential occupancy | |

In this bylaw, unless the context otherwise requires:

AGRICULTURAL BUILDING means a building or structure, the use or intended use of which is agricultural and specifically includes providing for the growing, rearing, producing, and harvesting of agricultural products; includes the preliminary grading of such products for shipment, and specifically includes riding stables, dog kennels, nurseries, greenhouses, and the keeping of pigeons, doves, or other animal or birds of the like kind, feed lots, fish farms, piggeries, mushroom growing, and the keeping of bees, horses, sheep, goats, dairy cows, fur bearing animals, rabbits, poultry or other animals or birds of like kind.

BC ENERGY STEP CODE means the requirements set out in Section 613 of this Bylaw and Division B, Part 9 and 10 of the Building Code.

BUILDING CODE means "The British Columbia Building Code" as adopted by the Minister as amended or re-enacted from time to time.

BUILDING ENERGY LABEL means information about a building's energy use, efficiency ratings, how the rating was calculated and where energy is consumed in the building which is posted in a location that is protected from moisture and damage.

BUILDING OFFICIAL includes the Chief Building Inspector, Building Inspectors, and Plan Checkers retained by the Village of Lumby.

CHIEF ADMINISTRATIVE OFFICER means that person retained by the Village of Lumby in that position.

CISTERN SYSTEM means a private water system consisting of facilities for the storage and distribution of potable water which is supplied by the collection and treatment of surface, groundwater or delivered water and includes all tanks, reservoirs, pipes, pumps, power supplies and mechanical and plumbing components of such a water system.

CIVIC USE means a use as may be defined by the Village of Lumby Zoning Bylaw.

CLASS OF OCCUPANCY means the major occupancy group for which a building or part thereof is used or intended to be used according to the classification set out in the Building Code.

COMMUNITY SANITARY SEWAGE SYSTEM means a system of works which is established and operated in accordance with provincial legislation and regulations that may apply, for the collection, treatment and disposal of sanitary sewage.

COMMUNITY WATER SYSTEM means a system of works, which is established and operated in accordance with provincial legislation and regulations that may apply, for the provision of water to more than one single family residence, and which is owned, operated and maintained by the Village of Lumby, a Strata Corporation, Improvement District, Irrigation District, Water Utility, Water Users' Community, or other body.

COMPLEX BUILDING means those buildings to which Part 3 of the Building Code applies and specifically includes:

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

CONSTRUCTION VALUE means the total cost of a proposed building or structure determined from an executed construction contract or an estimated value of the building or structure established by the Building Official in the absence of a contract.

ENERGY ADVISOR means a person who is registered as an energy advisor with *Natural Resources Canada*.

FLOOR AREA means the space on any story of a building between the exterior walls including the space occupied by interior walls and partitions, but not including the floor area of basements, attached garages, sheds, open porches, or breezeways.

GHG means greenhouse gas, which is defined in the *Climate Change and Accountability Act*, as amended or re-enacted from time to time.

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, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the Building Code.

HOLDING TANK SEWAGE DISPOSAL PERMIT means a permit issued by the Village of Lumby.

OFFICIAL COMMUNITY PLAN means a bylaw adopted pursuant to Section 472 of the *Local Government Act* by the Village of Lumby.

REGIONAL DISTRICT means the Regional District of North Okanagan as described in its Letters Patent and amendments thereto but shall not include incorporated municipalities.

REGISTERED PROFESSIONAL means:

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

RE-INSPECTION means any additional inspection required as a result of faulty or deficient work, work not completed or work covered-up prior to inspection.

REPRESENTATIVE means a person authorized by a property owner to represent the owner where permitted by this Bylaw.

RETAINING STRUCTURE means a structure that is subject to lateral earth pressure, is laterally unsupported at the top and retains more than 1.2 metres of soil material measured as the difference between the finished grade at the top and bottom of the structure.

RURAL ZONE means the Small Holding [S.H] and Country Residential [C.R] Zones of the Village of Lumby Zoning Bylaw.

SIGN means a structure that is subject to the Village of Lumby Zoning Bylaw in respect of signs enacted by a Village of Lumby.

SIMPLE BUILDING means those buildings to which Part 9 of the Building Code applies; being buildings of three storeys or less in building height, having a building area not exceeding 600 square metres and used for major occupancies classified as:

- a. residential occupancies;
- b. business and personal services occupancies;
- c. mercantile occupancies; or
- d. medium and low hazard industrial occupancies.

SPECIAL INSPECTION means an inspection not listed in Section 903.2 including inspection of a building site, a building to be moved, an existing building for the purpose of change in occupancy classification or where a permit has expired.

STRUCTURE means constructed works of any kind, whether fixed to, supported by or sunk into land or water; but specifically excludes landscaping, fences, flag poles, patios, paving and retaining structures 1.2 metres in height or less.

SWIMMING POOL means any constructed or pre-fabricated structure for holding water for the purpose of bathing or swimming having a surface area of more than 15.0 square metres and a depth of more than 0.5 metres.

VILLAGE OF LUMBY means the incorporation of the Village of Lumby, a municipality, as described in its Letters Patent.

ZONING BYLAW means a bylaw adopted by the Village of Lumby pursuant to Section 903 of the *Local Government Act*.

SECTION THREE – PROHIBITION AND ENFORCEMENT

301 PROHIBITIONS

1. No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure, or other work related to construction, unless a Building Official has issued a permit for the work as outlined in this Bylaw.
2. No person shall install a manufactured home unless a Building Official has issued a permit for the work as outlined in this Bylaw.
3. No person shall change the Class of Occupancy of an existing building contrary to this Bylaw, the Building Code, the *Local Government Act* or any other applicable bylaw or Provincial statute unless a Building Official has issued a permit for the change as outlined in this Bylaw.
4. No person shall move a building or structure unless a Building Official has issued a permit for the moving of the building or structure as outlined in this Bylaw.
5. No person shall demolish a building or structure unless a Building Official has issued a permit for the demolition as outlined in this Bylaw.
6. No person shall erect a sign structure unless a Building Official has issued a permit for the sign structure as outlined in this Bylaw.
7. No person shall submit any false or misleading information in an application for a permit or in regards to any other submissions as outlined in this Bylaw.
8. No person shall do any work that is at variance with the approved design, plans or specifications of a building, structure or other works for which a permit has been issued unless that variance has been approved in writing by a Building Official.
9. No person shall occupy or use any building or structure unless an Occupancy Permit or Provisional Occupancy Permit has been issued by a Building Official for the building or structure.
10. No person shall occupy or use any building or structure contrary to the terms of any permit issued or any notice given by a Building Official.
11. 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 or structure pursuant to this Bylaw.
12. No person shall obstruct the entry of a Building Official or other authorized official of the Village of Lumby on property in the administration and enforcement of this Bylaw.

302 GENERAL PENALTIES

1. Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months.

2. Each day during which a violation is continued shall be deemed to constitute a new and separate violation.

303 'STOP WORK ORDER' NOTICE

1. A Building Official may order cessation of any work that is proceeding in contravention of the Building Code, this Bylaw or a permit issued pursuant to this Bylaw by posting a 'Stop Work Order' notice in the form provided by the Village of Lumby.
2. The owner of property on which a 'Stop Work Order' notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work other than work expressly authorized or required by the Building Official, until all applicable provisions of this Bylaw have been complied with and the 'Stop Work Order' notice has been rescinded by a Building Official.
3. Every owner who commences work requiring a permit without first obtaining such a permit shall, if a 'Stop Work Order' notice is issued, pay a penalty equal to double the permit fee for construction valued up to \$1,000,000 (one million dollars), such penalty not to exceed \$1,500 (one thousand five hundred dollars) and 15% (fifteen percent) of the Building Permit fee for construction valued at \$1,000,000 (one million dollars) or more, such penalty not to exceed \$15,000 (fifteen thousand dollars) prior to obtaining the required permit. Construction work shall be deemed to have commenced when:
 - a. concrete pouring or other foundation work related to construction has begun;
 - b. a building or manufactured home has been moved onto its new location;
 - c. a concrete slab, which is intended to be part of a building or structure, has been poured; or
 - d. equivalent work is in place when other building systems are used.

304 'DO NOT OCCUPY' NOTICE

1. Where 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 provided by the Village of Lumby on the affected part of the building or structure.
2. The owner of property on which a 'Do Not Occupy' notice has been posted, and every other person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of this Bylaw have been complied with and the 'Do Not Occupy' notice has been rescinded by a Building Official.

305 NOTICE ON TITLE

1. Upon payment of the Administrative Charge as specified in Schedule "A" to this Bylaw, an owner of land with respect to which a 'Notice on Title' has been filed pursuant to Section 57 of the *Community Charter* may apply to the Building Inspection Department for a report concerning the cancellation of the Notice as provided in Section 58 of the *Community Charter*.

SECTION FOUR – BUILDING OFFICIALS

401 The Chief Administrative Officer and the Building Official shall administer this Bylaw.

402 Building Officials:

1. shall keep records of any applications; permits, and notices issued; inspections and tests made; and shall retain copies of all documents related to the administration of this Bylaw for a period as may be established by Village of Lumby policy from time to time;
2. may, if requested to do so and upon payment of the Evaluation Fee specified in Schedule “A” to this Bylaw, review evidence to consider whether new or alternative types of materials, products or methods of construction used in the construction of a building or structure substantially conform to the requirements of the Building Code;
3. may undertake an equivalency evaluation to determine the suitability and if appropriate, approve the use of equivalent materials, appliances, systems, equipment, methods of design and construction procedures under the terms and conditions as specified in the Building Code;
4. may determine the compliance of an application with this Bylaw, the Building Code, the *Local Government Act* or any other applicable bylaw enacted by the Village of Lumby or Provincial statute;
5. may enter any land, building or premises at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;
6. shall, where any residence is occupied, obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry;
7. shall carry credentials confirming his or her status as a Building Official;
8. may order the correction of any work that is being or has been done in contravention of the Building Code, this Bylaw or any permit issued pursuant to this Bylaw; and
9. may issue or refuse to issue a permit, notice or certificate as outlined in this Bylaw; under terms as outlined in this Bylaw, the Building Code, the *Local Government Act* or any other applicable bylaw enacted by a Village of Lumby or Provincial statute.

SECTION FIVE – RESPONSIBILITIES OF THE OWNER

501 Every owner:

1. shall ensure that all work in respect of which a permit has been issued complies with the permit, the Building Code, this Bylaw and all other applicable codes, standards and enactments respecting safety;
2. to whom a permit is issued pursuant to this Bylaw, shall be responsible for the cost of repair of any damage to public works or public property that occurs in the course of construction works;
3. shall allow a Building Official to enter the property at any reasonable time or times for the purpose of administering or enforcing this Bylaw;
4. shall immediately stop work on a building or structure in respect to which a Building Official has posted a 'Stop Work Order' notice;
5. shall obtain from a Building Official written permission to resume construction that has been suspended by a 'Stop Work Order' notice;
6. shall immediately vacate the building or portion of a building in respect to which a Building Official has posted a 'Do Not Occupy' notice;
7. shall obtain from a Building Official written permission to resume occupancy of a building after the issuance of a 'Do Not Occupy' notice;
8. before the commencement of any on-site construction work, shall obtain:
 - a. a permit as specified in Sections 601.1, 1001.1 and 1101.1 of this Bylaw,
 - b. a permit as specified in this Bylaw relating to a proposed change in the Class of Occupancy of an existing building or part of it,
 - c. any other permit or approval as required in this Bylaw in connection with the proposed work;
9. shall obtain an inspection and approval of the construction works as indicated on a permit or as provided in Section Nine of this Bylaw;
10. to whom a building permit is issued, shall obtain from a Building Official an Occupancy Permit as provided in this Bylaw;
11. to whom a permit is issued, shall during construction keep a copy of the approved designs, plans and specifications on the property; keep the permit posted in a conspicuous place on the property; and post the civic address on the property in a location that is readable from the frontage public road.

SECTION SIX – GENERAL PROVISIONS FOR BUILDING PERMIT APPLICATIONS

601 GENERAL PROVISIONS

1. Every owner shall apply for and obtain a permit before:
 - a. constructing, or undertaking structural repair or alteration of a building or structure related to the inspections undertaken pursuant to this Bylaw as outlined in Section Nine;
 - b. installing plumbing systems related to the inspections undertaken pursuant to this Bylaw as outlined in Section Nine;
 - c. constructing a new masonry chimney, installing a new metal chimney for a solid fuel burning appliance or installing a new solid fuel burning appliance; or
 - d. constructing works on a property to which a building or manufactured home is to be moved.
2. Each building or structure to be constructed on a parcel requires a separate application for a permit and shall be assessed a separate application fee as determined in accordance with Schedule “A” to this Bylaw. The Application Fee is non-refundable.
3. An application for a permit for a building or structure shall expire six months after the application date if any requested documents, professional certificates or approvals have not been submitted; or after notification to the Owner that a permit is issuable and the permit fee has not been paid. A Building Official may destroy any material that has not been retrieved by the applicant if the application has expired.

602 APPLICATION EXEMPTIONS

1. Except as required to meet specifications of the Building Code, a Building Official may waive information requirements specified for an application for a permit for a building or structure where the size, simplicity or details of the proposed construction can be adequately evaluated without such information.
2. An application for a permit for an accessory building may be submitted with only a Site Plan and two sets of Construction Plans consisting of a Foundation Plan, two Building Elevations and one Cross Section Drawing; all as detailed in this Section.
3. An application for the structural repair of a building or structure, the installation of a chimney or the construction of a structure may be submitted with a Site Plan and only those Construction Plans relevant to the proposed works; all as detailed and at the scale specified in this Section.
4. An application to accompany a Moving Permit Application may be submitted with only those Construction Plans relevant to the reconstruction at the new building site.
5. General exemptions from *all* regulations of this Bylaw are provided in Section 105.2 of this Bylaw.

603 MANUFACTURED HOMES

1. An application for the installation of a manufactured home that does not comply with the construction standard specified by the Village of Lumby or the Building Code shall include the following reports and plan confirming that the manufactured home substantially complies with or is equivalent to following codes or standards.
 - a. A report from a Registered Professional which states that the manufactured home substantially complies with the current Structural Design requirements of the Building Code.
 - b. A report from a licensed tradesperson or the Electrical Safety Officer that the manufactured home substantially complies with the Canadian Electrical Code.
 - c. A report from a licensed tradesperson or the Gas Safety Officer that manufactured home substantially complies with the Natural Gas and Propane Installation Code.
 - d. A floor plan showing room and building egress, electrical smoke alarm(s) installation and solid fuel burning appliance(s) installation to substantially comply with the Building Code.

604 PROFESSIONAL DESIGN AND FIELD REVIEW

1. Where a Building Official considers that the site conditions or the size or complexity of the development or an aspect of the development warrants, a Building Official may require an owner to provide a design, certification or a field review from a Registered Professional, supported by Letters of Assurance as outlined in the Building Code, that the plans submitted with the application for a permit, or specified aspects of those plans, comply with this Bylaw, the Building Code and other applicable enactments respecting safety; and

where Letters of Assurance are provided, the Registered Professional shall also provide a report on professional liability insurance to the Building Official in the form provided by the Village of Lumby.
2. Building Officials may require certification from a Registered Professional for any construction work that has been covered prior to inspection by the Building Official.
3. Where a Building Official considers that siting circumstances warrant or the size or complexity of the development or an aspect of the development warrants, a Building Official may require an owner to provide a plan of the development area prepared by a Registered Professional or practising registered BC Land Surveyor showing:
 - a. site servicing plans and profiles including off-site works;
 - b. cross section drawings through the subject parcel showing grades, existing and proposed buildings, parking areas and driveways; and
 - c. any other information as may be necessary to establish substantial compliance with this Bylaw, the Building Code or any other applicable bylaw enacted by the Village of Lumby or Provincial statute.

605 CLIMATE DATA

1. The climatic values for the design of buildings in the Village of Lumby are specified in Schedule “B” to this Bylaw.
2. In the absence of a climate value in Schedule “B”, the climate values shall be in conformance with those values specified in the Building Code or as may be determined by a Building Official.

606 WATER METERS

1. Where a water connection is made to a Community Water System for a building located within a Community Water Service Area, the owner shall install a water meter appliance on the water service line up-stream of all connections and in accordance with the specifications provided by the Community Water System utility having jurisdiction.

607 EVIDENCE OF POTABLE WATER SUPPLY

1. Evidence of potable water supply shall be submitted with an application for a permit for a building or structure where the occupancy of which requires a supply of potable water.
2. Where an application for a permit for a building or structure is submitted to replace an existing legally constructed building or structure using an existing source of potable water, a Building Official may waive the requirements to provide evidence of potable water supply.
3. Where a potable water supply is not located on the subject property, the applicant shall provide evidence of a registered easement to access the water supply if located on private land; or an access license, permit or lease if located on Crown land.
4. Community Water System
 - a. Where a proposed building or structure is located where a Community Water System is available, evidence of potable water supply shall include written confirmation from the Community Water System utility having jurisdiction that potable water will be supplied by the Community Water System utility.
5. On-Site Water System
 - a. Where a Community Water System is not available, evidence of potable water supply shall include:
 - i. a water license or written assurance that a water license will be issued, from the Provincial authority having jurisdiction for a minimum quantity of 2,273 litres (500 Imperial Gallons) per day for each dwelling unit; or

- ii. evidence of a well with a capacity to provide a minimum of 6,550 litres of water per day (1.00 lgal/min) for each dwelling unit and such evidence shall be either:
 - a. a record of a water well capacity test conducted by a Qualified Well Driller, as defined in the *Water Act* or a Registered Professional's report indicating the capacity of the well, or
 - b. in the case of a surface (dug) well, a Registered Professional's report indicating the capacity of the well except that a Building Official may waive the requirement for a Registered Professional's report where a record of water well capacity test conducted by a Qualified Well Driller or a Qualified Pump Installer, as defined in the *Water Act* indicates that the surface well has a minimum capacity of 19,650 litres of water per day (3.00 lgal/min) for each dwelling unit.
- b. Where a well has existed for a period of one year or more, a Building Official may, except where he has knowledge that the well will not meet the water supply requirements outlined in this Bylaw, waive the requirement for evidence of potable water supply providing that a covenant is registered which gives notice that a potable water supply report was not filed with the Village of Lumby and including a save-harmless indemnification clause in favour of the Village of Lumby.

6. Cistern Water System

- a. Where an applicant cannot produce evidence of a potable water supply as outlined in this Bylaw, a Building Official may accept a Cistern Water System as equivalent evidence of potable water supply provided that:
 - i. the cistern system and all its components shall be designed by a Registered Professional;
 - ii. the service area for the cistern system is restricted to the subject property; and,
 - iii. a covenant is registered in favour of the Village of Lumby on the subject parcel which covenant:
 - a. prohibits the use of the property for uses requiring a supply of potable water unless the Owner ensures that the water quality meets the regulations of the *Drinking Water Protection Act* and maintains the cistern water system in good repair at all times,
 - b. prohibits subdivision of the parcel until such time as a potable water supply is provided meeting the standards of the Village of Lumby Subdivision Servicing Bylaw, and
 - c. indemnifies the Village of Lumby, its officers, directors and employees in respect of any breach of the covenant.
- b. Where an applicant has submitted an application for a permit for a building or structure for a 'Civic Use' and cannot produce evidence of a potable water supply as outlined in this Bylaw, a Building Official may accept a Cistern Water System as equivalent evidence of potable water supply provided that approval has been obtained from the authority having jurisdiction for the installation and use of a

cistern system as evidence of a potable water supply for such 'Civic Use' and approved the design and specifications of such a cistern system.

608 SEWAGE DISPOSAL

1. A Sewage Disposal Permit shall be submitted with an application for a permit for:
 - a. a building or structure, the occupancy of which will generate sewage; and
 - b. additions or alterations to an existing residential building or structure served by an existing sewage disposal system installed pursuant to the authority having jurisdiction, the occupancy of which will generate an increase in sewage.
2. A Sewage Disposal Permit shall mean:
 - a. written confirmation from a Community Sanitary Sewage System utility that the proposed building will be permitted to connect to the Community Sewer System;
 - b. where a Community Sanitary Sewage System is not available, a Record of Sewerage System from the authority having jurisdiction; or
 - c. a Holding Tank Sewage Disposal Permit has been issued.

609 CONSTRUCTION PLANS

1. Construction Plans shall be submitted with an application for a permit for a building or structure.
2. Construction Plans shall be submitted in duplicate at a scale of 1:50 (1/4" = 1.0') indicating the nature and extent of the work in sufficient detail to establish conformance with the Building Code and the siting, height and site coverage regulations in the Zoning Bylaw and including:
 - a. a *Foundation Plan* showing building dimensions, footings, foundation walls and chimney footings;
 - b. a *Basement Plan* showing the columns, beams, bearing walls, partition walls, doors, windows, stairs, rough-in plumbing, water/sewer service lines, floor drains and clean-outs; and the location of water heater, heating, air conditioning and ventilating equipment;
 - c. *Floor Plans* showing the dimensions and use of every room area; dimensions and height of crawl and roof spaces; location, size and swing of doors; location size and opening of windows; location and description of all plumbing works and fixtures; location and dimensions of all stairs; location and structural details of all fireplaces; structural details and the thickness of all walls; and the finishing treatment for all floors, walls and ceilings;
 - d. *Framing Plans* showing floor joists, trusses, rafters, beams and other structural elements;
 - e. *Building Elevations* for each side showing the height of the building, finished grade, roof slopes, exterior finishes, doors, windows and other design features; and

- f. *Cross Section Drawings* (at least two) showing the existing and finished grades; entire roof, floor and wall systems; foundation walls and footings; and location of draitiles.
3. Construction Plans submitted shall bear the name and address of the designer of the building or structure.

610 ROOF AND FOUNDATION DRAINAGE PLAN

1. A Roof and Foundation Drainage Plan shall be submitted with an application for a permit for a building or structure.
2. A Roof and Foundation Drainage Plan shall be submitted in duplicate at a scale of 1:200 (1/16" = 1.0') showing lot dimensions and the location of draitiles, drywells, storm sewer connections, culverts, manholes and cleanouts.
3. For properties outside a '*Residential*', '*Commercial*' or '*Industrial*' zone as specified in the Zoning Bylaw, a Building Official may waive the requirement to provide a Roof and Foundation Drainage Plan.
4. The Roof and Foundation Drainage Plan shall demonstrate that:
 - a. driveways, walkways, terraces, retaining walls, landscaping or any other structure will not obstruct the flow of drainage water; and
 - b. where drainage water would likely enter a garage, carport, porch or basement entrance below ground level, that adequate catch basin or floor drain(s) will be installed and directed to a designated stormwater disposal location.

611 SITE PLAN

1. A Site Plan shall be submitted with an application for permit for a building or structure.
2. A Site Plan should be submitted in duplicate at a scale of 1:200 (1/16" = 1.0') showing:
 - a. legal description and civic address of the parcel together with lot dimensions taken from the registered subdivision plan or equivalent information;
 - b. measurements for the location of any existing and proposed buildings or structures relative to:
 - i. property lines in proximity to these buildings or structures,
 - ii. the natural boundary of any watercourses within 30 metres to these buildings or structures whether on the subject parcel or on any adjacent land, and
 - iii. all statutory rights-of-way or easements on the subject parcel;
 - c. the location of the frontage road, driveways and other roadways including the gradient of existing and proposed driveways to access any proposed dwelling;
 - d. the gradient of the subject parcel as required to determine the height of any proposed building or structure relative to the maximum height permitted in the Zoning Bylaw;

- e. the location of any septic tank and the means to access the septic tank for servicing; and
- f. the location of any septic drainfields, domestic water sources or water and sewer servicing lines.

612 SURVEY CERTIFICATE REQUIRED

1. The owner shall confirm that every building or structure, or addition to a building or structure, meets the siting and height regulations specified in the Zoning Bylaw by providing a Survey Certificate.
2. A Survey Certificate shall be prepared by a practising registered BC Land Surveyor.
3. A Building Official may issue a 'Stop Work Order' notice if a Survey Certificate has not been provided.
4. The Survey Certificate shall be provided upon completion of the foundation wall forms but before the concrete foundation is poured or upon completion of the preserved wood or masonry foundation.
5. A Survey Certificate shall include:
 - a. the location and dimensions of the foundation wall forms of the new building or structure relative to property lines, watercourses or other buildings;
 - b. the location and dimensions of all statutory rights-of-way or easements;
 - c. the location, dimension and gradient of driveways and parking areas; and
 - d. the top elevation of the foundation wall of the new building or structure and the elevation of either:
 - i. the midpoint of the rear property line in the case of a parcel which slopes uphill from the public road providing access, or
 - ii. the centre line of the road opposite the midpoint of the front property line in the case of a parcel that slopes downhill from the public road providing access.
6. A Building Official may waive the requirement for a Survey Certificate if:
 - a. a Building Official is satisfied with the accuracy of the Site Plan and the elevations of the building or structure as submitted with an application;
 - b. a Building Official will not require elevation information to establish the height of the building or structure; and
 - c. the Site Plan submitted with the application shows:
 - i. side yard setbacks of at least 200% of the minimum side yard setback requirement specified in the Zoning Bylaw,
 - ii. front and rear yard setbacks of at least 125% of the minimum setback requirement specified in the Zoning Bylaw, and
 - iii. no watercourse within 30 metres of the building or structure.

613 ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 1. In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Village incorporates by reference the British Columbia Energy Step Code in accordance with subsections 2 through 4.**
- 2. A building regulated by Part 9 or Part 3 of the building code, of new construction must be designed and constructed to meet the minimum performance requirements specified in ~~Step One of the BC Energy Step Code for any permit application received on or after January 3, 2022~~ in the Building Code.**
- 3. Any energy advisor providing the required documentation set out in the BC Energy Step Code must provide evidence to the Building Official that they are an energy advisor registered and in good standing with Natural Resources Canada.**
- 4. Any building constructed under a permit applied for on or after January 3, 2022 must include a building energy label posted prior to issuance of an occupancy permit.**

SECTION SEVEN – SPECIFIC PROVISIONS FOR BUILDING PERMIT APPLICATIONS

701 APPLICATION FOR A SIMPLE BUILDING OR A STRUCTURE

1. An application for a permit for a simple building or a structure shall be made in the form provided by the Village of Lumby and signed by the owner, or a signing officer if the owner is a corporation.
2. In addition to the requirements for an application for a permit for a simple building or a structure as described herein, a Building Official may require a professional design and field review as outlined in Section 604.1 of this Bylaw.
3. An application for a permit for a simple building or a structure shall include:
 - a. supplementary contractor information in the form provided by the Village of Lumby;
 - b. owner's acknowledgement of responsibility and undertakings made in the form prescribed by the Village of Lumby, signed by the owner, or a signing officer if the owner is a corporation;
 - c. confirmation of compliance with the *Homeowner Protection Act* as applicable;
 - d. a copy of a title search made within 30 days of the date of application;
 - e. any required highway access permit issued by the Village of Lumby or Ministry of Transportation and Infrastructure; and
 - f. any other documents and plans required in Section Six of this Bylaw.

702 SPECIFIC REQUIREMENTS FOR STRUCTURES

1. In general, an application for a permit for a structure shall include only construction plans as outlined in Section 609.1 of this Bylaw.
2. Retaining Structure
 - a. In addition to the requirements outlined in Sections 701.1, 701.2 and 701.3 of this Bylaw, an application for a permit for a retaining structure greater than 1.2 metres in height shall:
 - i. require a professional design and field review by a Registered Professional including the submission of Letters of Assurance and proof of professional liability insurance as outlined in Section 604.1 of this Bylaw prior to an Occupancy Permit being issued by a Building Official; and
 - ii. include provisions for a guardrail in accordance with the provisions of the Building Code.

3. Swimming Pool

- a. In addition to the requirements outlined in Sections 701.1, 701.2 and 701.3 of this Bylaw, an application for a permit for a swimming pool shall include provisions for:
 - i. an enclosed fence not less than 1.2 metres in height with no openings greater than 100mm and so designed that members, attachments or openings will not facilitate climbing;
 - ii. a self-closing gate so designed and installed as to cause the gate to return to a locked position automatically; and
 - iii. pressure reducing valves and a backflow prevention device to be installed in accordance with the requirements of the Building Code.

4. Sign

- a. In addition to the provisions of Section 701.2 of this Bylaw, an application for a permit for a sign structure shall be made in the form provided by the Village of Lumby and signed by the owner, or a signing officer if the owner is a corporation.

703 APPLICATION FOR A COMPLEX BUILDING

1. An application for a permit for a complex building shall be made in the form provided by the Village of Lumby and signed by the owner, or a signing officer if the owner is a corporation.
2. An application for a permit for a complex building shall be accompanied by:
 - a. supplementary contractor information in the form provided by the Village of Lumby;
 - b. the owner's acknowledgement of responsibility and undertakings made in the form provided by the Village of Lumby, signed by the owner, or a signing officer if the owner is a corporation;
 - c. confirmation of compliance with the *Homeowner Protection Act* as applicable;
 - d. Letter of Assurance in the form of Schedule A to Part 2 of the Building Code signed by the owner, or a signing officer if the owner is a corporation, and the Co-Ordinating Registered Professional;
 - e. Letters of Assurance in the form of Schedule B to Part 2 of the Building Code each signed by such Registered Professionals as a Building Official or the Building Code may require, to address the design and field reviews for the construction of the proposed building;
 - f. proof of professional liability insurance in the form provided by the Village of Lumby;
 - g. a copy of a title search made within 30 days of the date of application;
 - h. any required highway access permit issued by the Ministry of Transportation and Infrastructure; and
 - i. any other documents and plans required in Section Six of this Bylaw.

SECTION EIGHT – BUILDING AND OCCUPANCY PERMITS

801 BUILDING PERMIT

1. Neither the issuance of a Building 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 this Bylaw have been complied with or the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those actions as establishing compliance with the Building Code or this Bylaw or any standard of construction.
2. When:
 - a. a completed application in compliance with Section Seven of this Bylaw including all required supporting documentation has been submitted;
 - b. a Building Official has determined that health and safety aspects of the works are in compliance with this Bylaw, the Building Code, the *Local Government Act* and any other applicable bylaw of the Village of Lumby or Provincial statute;
 - c. the owner or representative has paid all applicable fees as specified in Schedule “A” to this Bylaw including any penalty as outlined in Section 303.3 or any surcharge as outlined in Section 802.2 of this Bylaw;
 - d. the owner or representative has paid all charges and met all requirements imposed by any other statute or bylaw in respect of the issuance of a building permit;
 - e. evidence has been provided that the proposed construction complies with the *Homeowner Protection Act* as applicable; and
 - f. no covenant, agreement, resolution or regulation of the Village of Lumby authorizes the permit to be withheld;

a Building Official may issue a Building Permit for which the application is made in the form provided by the Village of Lumby.
3. The Building Permit period is valid for two years from the date the permit is granted unless the permit expires or is revoked.
4. A valid and subsisting Building Permit that was issued under Village of Lumby Building Bylaw No. 744, 2015 and all amendments thereto, before the repeal of that bylaw, is deemed to be a Building Permit issued under this Bylaw and remains valid until its expiration date unless earlier surrendered, suspended or cancelled.

802 BUILDING PERMIT FEES

1. Building Permit Fees shall be determined in accordance with Schedule “A” to this Bylaw.
2. A Building Official may, except for the Application Fee and subject to an Administrative Charge set in accordance with Schedule “A”, refund the fees paid for a Building Permit upon receipt of a written request for cancellation of the permit within one year of the issuance of the permit provided construction has not begun.
3. When a Building Permit is issued in accordance with Section 803.1 of this Bylaw, the Building Permit Fee shall be reduced by 5% of the fee payable as specified in Schedule “A”, up to a maximum of \$500.00.

4. When a Building Permit is issued in accordance with Section 803.3 of this Bylaw, the Building Permit Fee shall be reduced by 20% of the fee payable as specified in Schedule “A” to this Bylaw.

803 PROFESSIONAL PLAN CERTIFICATION AND PERMIT

1. Letters of Assurance in the form of Schedule B to Part 2 of the Building Code provided pursuant to this Bylaw are relied upon by the Village of Lumby and its Building Officials in the issuance of a Building Permit 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. This Section applies to Building Permits where a registered professional is involved in the construction process.
2. A Building Permit issued for the construction of a Complex Building, or for a building or structure for which a Building Official required professional design pursuant to Section 604.1 of this Bylaw, shall include a notice to the owner concerning the reliance upon the certification of the Registered Professionals, in the form provided by the Village of Lumby.
3. Confirmation of Commitment by Owner and Coordinating Registered Professional in the form of Schedule A to Part 2 of the Building Code provided pursuant to this Bylaw are relied upon by the Village of Lumby and its Building Officials in the issuance of a Building Permit as certification that the design and plans, to which the confirmation relate, comply with the Building Code and other applicable enactments relating to safety. This Section applies to Building Permits where there is a Coordinating Registered Professional involved in the construction process.

804 PHASED BUILDING PERMIT

1. A Building Official may issue a Building Permit for construction of a phase of a building or structure before the entire plans and specifications have been submitted or approved, provided sufficient information has been submitted showing that the building phase is in substantial compliance with the Building Code, this Bylaw or other applicable bylaws or regulations and the permit fee for that portion of the building or structure has been paid. The remainder of the building or development shall conform to those regulations as if a Building Permit has not been issued.

805 BUILDING PERMIT EXPIRED

1. A Building Permit expires if:
 - a. construction has not commenced within one year of the date of permit issuance;
 - b. an Occupancy Permit has not been issued within the valid Building Permit period or within any renewal period authorized by a Building Official;
 - c. the work associated with a structure, other than a building, has not been approved to the Final Inspection stage within the valid Building Permit period or within any renewal period authorized by a Building Official;
 - d. construction has been discontinued for a period of one year;
 - e. a Building Official has revoked the Building Permit as provided in this Bylaw; or
 - f. the owner or representative has requested that the Building Permit be cancelled.
2. Except as provided in Section 802.3, no fees shall be returned where a Building Permit has expired.

806 BUILDING PERMIT REVOKED

1. A Building Official may, upon written notification to an applicant, revoke a Building Permit issued under this Bylaw where:
 - a. the permit was issued in error;
 - b. an approval issued by another authority, on the basis of which a permit was issued under this Bylaw, is withdrawn by that authority;
 - c. notification of a successful appeal has been received by the Village of Lumby pursuant to the authority having jurisdiction concerning the issuance of a Sewage Disposal Permit for the subject building;
 - d. the permit was issued on the basis of incorrect information provided by the owner, representative or a Registered Professional; or
 - e. there is a violation of this Bylaw, the Building Code, the *Local Government Act*, or any other Provincial statute or bylaw enacted by the Village of Lumby.
2. No fees will be returned where a Building Permit has been revoked.

807 BUILDING PERMIT RENEWAL

1. Where a Building Permit has expired and the owner wishes to have the permit reissued, the owner must submit a new application, including a new Application Fee, including all documents and permits as prescribed in Sections Six and Seven of this Bylaw.
2. Where an application is received pursuant to Section 807.1 and where the information submitted with the new application has not changed substantively from the original application, a Building Official may issue a new Building Permit pursuant to all the terms and conditions of this Bylaw, except that the Building Permit Fees prescribed in Schedule “A” of this Bylaw shall not apply.
3. Where a Building Permit has not expired or been revoked and upon written request, a Building Official may extend the term of the Building Permit for one renewal period of one year upon any terms and conditions specified by the Building Official.
4. Where construction has not commenced or has been discontinued due to adverse weather, strikes, material or labour shortages or similar hardship beyond the owner’s control, a Building Official may extend the valid Building Permit period for one renewal period of one year upon any terms and conditions specified by the Building Official.
5. Where a Building Permit has been revoked and the owner wishes to have the permit reissued, the owner shall submit a new application, including a new Application Fee, including all documents and permits as prescribed in Sections Six and Seven of this Bylaw.

808 OCCUPANCY PERMIT REQUIRED

1. Except as provided in this Bylaw, an Occupancy Permit is required prior to occupancy of any building or structure for which a Building Permit is required under this Bylaw and it is the responsibility of the owner to obtain an Occupancy Permit after the building or structure is complete and ready for occupancy, but before any occupancy.
2. Prior to the issuance of an Occupancy Permit for:

- a. a complex building, or for a building or structure for which a Building Official required professional design pursuant to Section 604.1 of this Bylaw, the owner shall provide Letters of Assurance in the form of Schedules C-A and C-B to Part 2 in the Building Code each signed by the Co-Ordinating Registered Professional and Registered Professionals as the Building Code may require;
 - b. a building or structure which will generate sewage, the owner shall provide to the Building Official a Sewerage System Letter of Certification pursuant to the authority having jurisdiction for a sewerage system, or a confirmation of acceptable connection to a Community Sanitary Sewage System from the authority having jurisdiction.
3. Where a Building Official has indicated on final inspection that the construction work is acceptable, the Building Official may issue an Occupancy Permit in the form provided by the Village of Lumby.
4. A Building Official may issue an Occupancy Permit for part of a building when part of the building is self-contained and complies with the requirements of this Bylaw, the Building Code, the *Local Government Act* or any other Provincial statute or bylaw enacted by the Village of Lumby.

809 PROVISIONAL OCCUPANCY PERMIT

1. A Building Official may issue a Provisional Occupancy Permit in the form provided by the Village of Lumby where the construction of a building or structure has substantially been completed and where the health and safety requirements of this Bylaw and the Building Code have been met.
2. The owner shall pay the Provisional Occupancy Permit fee as specified in Schedule "A" to this Bylaw before the issuance of the permit.
3. The Provisional Occupancy Permit is valid for 90 days from the date the permit is issued.
4. A Building Official may extend the term of the Provisional Occupancy Permit for an additional 90 days upon any terms and conditions specified by the Building Official.

SECTION NINE – BUILDING INSPECTIONS

901 COMPLEX BUILDINGS

1. When a Registered Professional provides Letters of Assurance for the construction of a complex building, or for a building or structure for which a Building Official required professional design and Letters of Assurance pursuant to Section 604.1 of this Bylaw, the Village of Lumby will rely solely on field reviews undertaken by the Registered Professional and the Letters of Assurance as certification that the construction substantially conforms to the approved design, plans and specifications and that the construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
2. A Building Official may attend the construction site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the Registered Professionals.

902 SIMPLE BUILDINGS OR STRUCTURES

1. A Building Official may attend periodically at the site of the construction of simple buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the health and safety requirements of the Building Code, this Bylaw and any other applicable enactments concerning safety.

903 INSPECTIONS REQUIRED

1. The owner or representative shall give at least two clear working days' notice to the Building Official when requesting an inspection.
2. The owner or representative shall obtain an inspection and receive a Building Official's acceptance of the work as indicated on the Building Permit or at each of the following aspects of the work prior to concealing them:
 - a. *"Footing Forms Inspection"* after completion of the footing forms; but before pouring concrete for the footings.
 - b. *"Foundation Forms Inspection"* after completion of the footings and the foundation forms; but before pouring concrete for the foundation.
 - c. *"Pre-Backfill Inspection"* after damp-proofing foundations and the installation of perimeter drains with connections to the designated stormwater disposal location; but before backfilling the foundation or covering drainage works.
 - d. *"Plumbing Below-Grade Inspection"* after installation of the water and sewer service lines, and any other below-grade plumbing works; but before backfilling excavations.
 - e. *"Under Slab Preparation Inspection"* after the foundation is complete; but before pouring the concrete slab.

- f. ***"Infloor Heating Inspection" after completion of under slab preparation, but before pouring of concrete topping or slab.***
 - g. *"Plumbing Above-Grade Inspection" after completion of the rough-in plumbing and the tests required by the Building Code have been satisfactorily completed; but before covering with insulation, vapour barrier or wall coverings.*
 - h. *"Framing Inspection" after completion of framing, sheathing, stairs, chimney, fireplace, plumbing, electrical, heating, ventilation and installation of windows, exterior doors and roofing; but before installing insulation and vapour barrier that would conceal the framing works.*
 - i. *"Insulation and Vapour Barrier Inspection" after the Plumbing Above-Grade Inspection and the insulation and vapour barrier have been installed; but before wall coverings are installed.*
 - j. *"Final Inspection" when the building or structure or part thereof is complete, including grading around the building or structure, the installation of surface drainage works and confirmation that any water meter appliance (if necessary) is in operating condition, and the building or structure is ready for use or occupancy; but before use or occupancy takes place of the whole or part of the building or structure.*
- 3. For accessory and agricultural buildings which are up to 110 m² in size and do not contain plumbing, the required inspections are as follows:
 - a. Footings and Forms
 - b. Framing
 - c. Final Occupancy
 - 4. No aspect of the work referred to in Section 903.2 of this Bylaw shall be covered until a Building Official has indicated acceptance in writing.
 - 5. Notwithstanding the requirement for inspections under Sections 903.2 and 903.4 of this Bylaw, a Building Official may when unable to attend a construction site on the date requested due to travel distance or time constraints, alternatively determine on the basis of information provided by the contractor whether the work may proceed despite Section 903.4 and require that photographs of the work be taken prior to the work being concealed and these photographs be submitted to the Building Official.
 - 6. Pursuant to Section 903.5, a Building Official may require work to be uncovered if photographs indicate a problem is likely to create a health or safety hazard.
 - 7. The requirements of Sections 903.2 and 903.4 of this Bylaw do not apply to any aspect of the work that is the subject of a Registered Professional's Letter of Assurance which has been provided for the construction of a complex building, or for a building or structure for which a Building Official required professional design and Letters of Assurance pursuant to Section 604.1 of this Bylaw.
 - 8. In the event that the Building Official has notified the owner or contractor that additional inspections are required, it shall be the responsibility of the owner or representative to request these additional inspections.

9. The owner or representative shall, prior to obtaining re-inspection of any work that the Building Official determines is unacceptable, pay for the Re-Inspection Charge as specified in Schedule “A” to this Bylaw.

SECTION TEN – DEMOLITION PERMIT AND APPLICATION

1001 APPLICATION

1. No owner shall demolish or cause to be demolished any building or structure without first obtaining a permit to carry out such demolition.
2. An Application for a Demolition Permit shall be submitted in the form provided by the Village of Lumby.

1002 EXEMPTIONS

1. This Section does not apply to:
 - a. structures other than buildings, less than 15.0 metres in height; or
 - b. accessory buildings that are one storey or less in height provided that there are no service works connected to the building.

1003 DEMOLITION PERMIT

1. When:
 - a. a completed application including all required supporting documentation has been submitted as outlined on the application form provided by the Village of Lumby;
 - b. a Building Official has determined that the proposed demolition works are in compliance with this Bylaw, the Building Code, the *Local Government Act* and any other applicable bylaw of the Village of Lumby or Provincial statute;
 - c. the owner or representative has paid all applicable fees as specified in Schedule “A” to this Bylaw including any penalty as outlined in Section 303.3;
 - d. the owner or representative has paid all charges and met all requirements imposed by any other statute or bylaw in respect of the issuance of a demolition permit; and
 - e. no covenant, agreement, resolution or regulation of the Village of Lumby authorizes the permit to be withheld;

a Building Official may issue a permit for which the application is made in the form provided by the Village of Lumby.

2. A permit for demolition shall be valid for one year from the date of issuance of the permit after which the permit expires.
3. A Building Official may withhold a permit for a demolition where:
 - a. the building or structure is protected heritage property, is subject to temporary heritage protection or is identified in a community heritage registry pursuant to the *Heritage Conservation Act* or the *Local Government Act*; or
 - b. in the case of a residence, the building is occupied.

1004 DEMOLITION DEPOSIT

1. An applicant for a permit for a demolition shall pay the Demolition Deposit as specified in Schedule “A” to this Bylaw before the issuance of the permit to ensure the work is completed and the site is rehabilitated.

2. Where a building or structure is demolished under a permit, and where:
 - a. the property is rehabilitated to a tidy and safe condition;
 - b. all waste debris has been removed;
 - c. any septic tank or other underground storage facility has been removed; and
 - d. any barricade or covered way has been dismantled;

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

3. Where a Demolition Deposit is returned to the applicant, any interest earned upon the security shall accrue to the applicant.
4. Where a permit for a demolition has expired and the demolition and works referred to in Section 1004.2 have not been completed, the Village of Lumby may utilize the Demolition Deposit to complete the works.

SECTION ELEVEN – MOVING PERMIT AND APPLICATION

1101 APPLICATION

1. Where the moving of buildings is permitted in the Village of Lumby, no person shall move or cause to be moved any building without first obtaining a permit to carry out such a move as well as a Building Permit for construction works on the property to which the subject building is to be moved.
2. An Application for a Moving Permit shall be submitted in the form provided by the Village of Lumby.
3. A Building Permit Application shall be submitted in the form provided by the Village of Lumby for the construction works on the property to which the subject building is to be moved.

1102 EXCEPTIONS

1. This Section does not apply to the moving of manufactured homes or accessory buildings.

1103 MOVING PERMIT

1. When:
 - a. a completed application including all required supporting documentation has been submitted as outlined on the application form provided by the Village of Lumby;
 - b. a Building Official has determined that any proposed works are in compliance with this Bylaw, the Building Code, the *Local Government Act* or any other applicable bylaw of the Village of Lumby or Provincial statute;
 - c. the owner or representative has paid all applicable fees as specified in Schedule "A" to this Bylaw including any penalty as outlined in Section 303.3;
 - d. the owner or representative has paid all charges and met all requirements imposed by any other statute or bylaw in respect to the moving of buildings; and
 - e. no covenant, agreement, resolution or regulation of the Village of Lumby authorizes the permit to be withheld;

a Building Official may issue a permit for which the application is made in the form provided by the Village of Lumby.
2. A permit for moving a building shall be valid for two years from the date of issuance of the permit after which the permit expires.
3. Building Officials shall refuse a permit for moving a dwelling where:
 - a. the appraised value of the building after the move as indicated in the Appraisal Report as outlined on the application form provided by the Village of Lumby, is less than:

- i. 1.25 times of the average appraised value of all the dwellings situated on parcels which are wholly or partially enclosed by lines drawn parallel to and perpendicularly distant 100.0 metres from the boundaries of the parcel to which the building is to be moved; or
 - ii. A lesser value approved by Council after considering a written application to Council.
- b. the floor area of the building to be moved is less than the minimum floor area specified in the Zoning Bylaw for the property to which it is to be moved.

1104 MOVING DEPOSIT

1. An applicant for a permit shall pay the Moving Deposit as specified in Schedule “A” to this Bylaw before the issuance of a permit to ensure that the building is rehabilitated and installed according to the permit.
2. Where a building is moved under a permit, and where a Building Official has issued an Occupancy Permit for the building, the Building Official shall return the Moving Deposit to the applicant.
3. Where a Moving Deposit is returned to the applicant, any interest earned upon the security shall accrue to the applicant.
4. Where a permit for moving a building has expired and the works authorized by the Moving Permit and any associated Building Permit have not be completed, the Village of Lumby may utilize the Moving Deposit to complete the works.

SECTION TWELVE – BYLAW REPEAL, READINGS, AND ADOPTION**1201 REPEAL**

Bylaw No. 774, 2015, being "*Village of Lumby Building Bylaw No. 774, 2015*", and all amendments thereto, are hereby repealed.

1202 EFFECTIVE DATE

This Bylaw shall come into force and take effect on November 1, 2019.

1203 SEVERABILITY

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.

Read a First Time	this	7 th day of	October, 2019
Read a Second Time	this	7 th day of	October, 2019
Read a Third Time	this	7 th day of	October, 2019
 ADOPTED	 this	 21 st day of	 October, 2019

"Kevin Acton"
signature on file

Mayor

"Tom Kadla"
Signature on file

Corporate Officer

SCHEDULE "A" TO BYLAW NO. 834, 2019 – FEES AND CHARGES

1. **Building Permit Application Fees – Non-Refundable**
 - a. Construction Value \$1,000 or less55.00
 - b. Construction Value over \$1,000 up to \$250,000.....109.00
 - c. Construction Value \$250,000 and more163.00
2. **Building Permit Fees**
(Note: A surcharge on fees may apply in remote areas)
 - a. For the first \$1,000 of Construction Value60.00
 - b. For each \$1,000 of Construction Value or part thereof over \$1,000 and less than \$500,00013.00
 - c. For each \$1,000 of Construction Value or part thereof over \$500,000 and less than \$1,000,000.....12.00
 - d. For each \$1,000 of Construction Value or part thereof over \$1,000, 000....11.00
 - e. For the first five Plumbing Fixtures60.00
 - f. For each Plumbing Fixture over the first five12.00
 - g. For installing a Manufactured Home (mobile home) or park model recreational unit.....265.00
3. **Building Permit Fees for Agricultural Buildings over 600 square metres**
(Note: A surcharge on fees may apply in remote areas)
 - a. For the first \$1,000 of Construction Value52.50
 - b. For each \$1,000 of Construction Value or part thereof over \$1,000 and \$250,00011.00
 - c. For each \$1,000 of Construction Value or part thereof over \$250,0008.25
4. **Sign Permit Fees**
 - a. Application for a Sign Permit (non-refundable).....60.00
 - b. Permit for a Sign:
 - For the first \$100 of Construction Value.....60.00
 - For each \$1,000 of Construction Value or part there of over \$10013.00
5. **Demolition / Moving Permit Fees**
 - a. Application for a Demolition / Moving Permit (non-refundable)55.00
 - b. Demolition / Moving Permit.....242.00
 - c. Demolition / Moving Deposit.....2,100.00
 - d. Refundable Damage Deposit for Sidewalks.....1,500.00
6. **Other Fees and Charges**
 - a. Special Inspection or Re-Inspection.....109.00
 - b. Provisional Occupancy Permit with Re-Inspection109.00
 - c. Administrative Charge to remove a 'Notice on Title'850.00
 - d. New products, systems or methods Evaluation Fee2,415.00
 - e. Administrative Charge for refund of Building Permit Fees.....230.00
 - f. Water meter w/meter threads.....At cost of materials
 - g. Refundable damage deposit for sidewalks.....1,500.00
 - h. Backflow preventer inspection.....100.00

7. Building Permit File Closing Fee (Refundable)

In addition to other fees and charges payable in accordance with this Schedule at the time of permit issuance, a file closing fee will apply for all building permits as follows:

- a. Where construction value is less than \$10,000100.00*
 - b. Where construction value is between \$10,000 and \$50,000.....150.00*
 - c. Where construction value is between \$50,001 and \$100,000.....300.00*
 - d. Where construction value is in excess of \$100,000500.00*
- 8. When all works associated with a building permit are completed and a final inspection has been approved within twenty-four (24) months of the date of permit issuance, the Village of Lumby will refund the Building Permit File Closing Fee as follows:**
- a. Where construction value is less than \$10,000100.00*
 - b. Where construction value is between \$10,000 and \$50,000.....150.00*
 - c. Where construction value is between \$50,001 and \$100,000.....300.00*
 - d. Where construction value is in excess of \$100,000500.00*

Where the works associated with a permit are not completed within twenty-four (24) months of the date of permit issuance, there will be no refund of the Building Permit File Closing Fee.

Any re-inspection fees or fines assessed against the owner/permit holder during the period of construction will also be deducted from the Building Permit File Closing Fee. In addition, if Notice on Title is required, there will be no refund of the file closing fee

SCHEDULE "B" TO BYLAW NO. 834, 2019 – CLIMATE VALUES

Area	Design Temperature				Degree Days Below 18°C	15 Min. Rain mm	One Day Rain mm	Ann. Tot. Ppn. mm	Ground Snow Load kPa		Hourly Wind Pressures		
	January		July 2.5%								1/10 kPa	1/30 kPa	1/100 kPa
	2.5 % °C	1% °C	Dry °C	Wet °C					S _S	S _R			
	Lumby												

Note: Values cited in this Schedule and noted above are valid to elevation 1170 metres only.