

TOWN OF GOLDEN

BYLAW NUMBER 1299, 2012 BUILDING REGULATION

Being a bylaw to regulate, prohibit, and impose requirements for the construction, alteration, repair or demolition of buildings and other structures.

NOW THEREFORE, the Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS**:

1. CITATION

- (a) This Bylaw may be cited for all purposes as "*Town of Golden Building Regulation Bylaw No. 1299, 2012*".

2. DEFINITIONS AND INTERPRETATION

2.1 In this Bylaw:

Building Code means the current *British Columbia Building Code*.

Building official means a person appointed by the *Town* to administer this Bylaw.

Complex building means any of the following:

- (a) a building used for a major occupancy classified in the *Building Code* as *assembly occupancy, care or detention occupancy, or high hazard industrial occupancy*;
- (b) any building exceeding 600 square metres in building area or 3 storeys in building height and used for *major occupancies* classified in the *Building Code* as *residential occupancies, business and personal services occupancies, mercantile occupancies, or medium and low hazard industrial occupancies*.

Earth energy system, or EES, means a geothermal system and ground source heat pump system intended to obtain heat from or discharge heat to the subsurface.

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, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, 9.33.5.3, 9.34, 9.35 and 9.36 of Part 9 of the *Building Code*.

In writing as used in this bylaw means written form, this may be transmitted by facsimile, email or other electronic means as well as provided in paper form.

Manager of Operations means the person holding that position with the Town, or a person appointed to act in the place of the Manager.

Owner means a person who has an estate or interest, legal or equitable, in property for which the permit is required and includes a corporation, partnership or party and the personal or other legal representatives of a person to whom the context can apply according to law.

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.

Town means the Town of Golden.

2.2 In this Bylaw, the following words and terms have the meanings set out in the *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, owner, registered professional, and residential occupancy.

2.3 Unless otherwise provided, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act, Building Code* or *Interpretation Act* as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Words in the singular include the plural and words in the plural include the singular, and reference to a gender includes both genders and a corporation. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

3. BYLAW PURPOSE AND RESPONSIBILITY

- 3.1 The purpose of this Bylaw is to regulate construction, demolition and related activity within the Town in the general public interest, and it is neither contemplated nor intended to protect owners, builders, constructors, residents or other persons from economic loss. Review, inspection, establishing conditions and requirements, issuing permits, and other actions undertaken by or on behalf of the Town pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for health and safety and the benefit of the community generally.
- 3.2 Neither the Town nor any of its officials assume any responsibility for ensuring the compliance with the *Building Code*, this Bylaw, or other applicable enactments by any *owner*, or an *owner's* designers, constructors, employees, servants, contractors or representatives. No permit, review, inspection, approval or acceptance by the Town or its officers or employees is intended to or can provide any person with a representation, assurance or warranty as to design or workmanship with respect to any *building, structure, system, thing or activity* for which a permit or approval is required, or any representation, warranty or assurance that work undertaken pursuant to any permit issued by the Town is free from latent or any defects.
- 3.3 The *owner* of land or other property, and the *owner's constructor*, contractor, agent, representative, employees and servants, are fully and solely responsible for ensuring that work or activity regulated under this Bylaw is carried out and completed in strict compliance with this Bylaw, the *Building Code* or other applicable enactments, whether or not a permit is sought, issued or obtained.
- 3.4 Despite any other provisions of this Bylaw, an interpretation of this Bylaw must be in accordance with this section.

4. BYLAW APPLICATION AND EXEMPTIONS

- 4.1 This Bylaw applies to all of the following:
- (a) the design, construction and occupancy of new *buildings and structures*;
 - (b) the alteration, reconstruction, demolition, removal, relocation and *occupancy* of existing *buildings and structures*;
 - (c) repair or removal of unsafe conditions; and
 - (d) plumbing systems, swimming pool installations, temporary *structures*.
- 4.2 Except as expressly provided, this Bylaw does not apply to:
- (a) buildings or structures exempted by Part 1 of the *Building Code*;
 - (b) retaining structures less than 1.5 metres in height;
 - (c) fences;
 - (d) routine maintenance;
 - (e) landscaping; or
 - (f) paving, concrete, asphalt, brick or tile surfaced areas.

5. OWNER'S RESPONSIBILITIES

- 5.1 For every work or activity for which a permit is required under this bylaw, the *owner* must:
- (a) ensure that all aspects of construction and installation comply with the *Building Code*, this bylaw, and other applicable enactments respecting health and safety;
 - (b) be responsible for the cost of remediation or repair of any loss or damage to municipal works and equipment that occurs arising or resulting from work carried out by the *owner* or the *owner's* constructors, agents, employees, servants and contractors;
 - (c) during the period of construction or installation:
 - i. ensure that required permits are posted and maintained in a conspicuous place on the property in respect of which the permit was issued;
 - ii. keep copies of the accepted designs, plans and specifications on the property;
 - iii. ensure that the civic address is posted in a location on the related property so as to be visible from any adjoining streets; and
 - (d) be responsible for determining the qualifications of any and all consultants, professionals and contractors, ensuring that each carries current professional insurance liability or insurance for their contracted work, as may be available or required for a permit, in an amount sufficient to protect the *owner* and the Town against any and all liability arising from or caused by activity or omissions related to the work for which a permit is required.
- 5.2 The requirements of subsection 5.1 as they apply to work regulated under this Bylaw shall be conditions of any permit required for that work.

6. PROHIBITIONS

- 6.1 A person must not:
- (a) commence, carry out or continue any construction, alteration, reconstruction, demolition, removal, relocation or change of occupancy of any *building* or *structure*, or any excavation or other related work, unless the person has first obtained a building permit or notice, as applicable, issued by a *building official*;
 - (b) occupy or use, or permit the occupancy or use of, any *building* or *structure* unless a valid and subsisting occupancy permit has been issued by a *building official*;
 - (c) knowingly submit false or misleading information to a *building official* in relation to any work proposed or undertaken or to any permit application or inspection pursuant to this Bylaw;
 - (d) do any work that is substantially at variance with the accepted design or plans of a *building*, *structure* or other work for which a permit is required, unless that variance has been accepted in writing by a *building official*;

- (e) reverse, alter, deface, cover, remove or in any way interfere or tamper with any permit, notice, order or certificate, whether posted or not, pursuant to this Bylaw, except as authorized *in writing* by a *building official*; or
- (f) refuse, obstruct or interfere with the entry of a *building official* or other person authorized by the Town to enter on property or premises pursuant to their powers, duties or functions under this Bylaw.

7. BUILDING OFFICIALS

7.1 A *building official* may:

- (a) administer this Bylaw;
- (b) keep records of permit applications and reports received and permits, notices and orders issued, inspections and tests conducted, and must retain copies of all documents related to the administration of this bylaw or electronic copies of such documents;
- (c) develop and execute suitable forms and other documentation to give effect to the provisions of this Bylaw;
- (d) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a *building* or *structure* for which a permit under this Bylaw is sought substantially conform to the requirements of the Building Code, and provide an opinion.

7.2 A *building official* may, in accordance with the *Community Charter*, section 16 and carrying proper credentials confirming his or her position with the Town, enter any land or premises, *building* or *structure*, to inspect and determine whether this Bylaw or the terms of any permit issued under this Bylaw are being met.

7.3 A *building official* may order the correction or remedy of any work that appears to be in contravention of this Bylaw.

8. PERMIT REQUIREMENT AND APPLICATION

8.1 A permit is required whenever work regulated under this Bylaw is to be undertaken.

8.2 Without limiting subsection 8.1, every person must apply for and obtain a permit under this Bylaw before commencing any of the following work:

- (a) constructing, repairing or altering a *building* or *structure*;
- (b) moving a *building* or *structure*;
- (c) demolishing a *building* or *structure*;

- (d) constructing a masonry fireplace or installing a solid fuel burning appliance or chimney, unless these works are encompassed by a valid building permit;
 - (e) installing a swimming pool;
 - (f) commencing any plumbing work, including, without limitation, a sprinkler system for a *building, structure* or lawn;
 - (g) constructing or placing a temporary building or *structure*;
 - (h) installing or erecting a sign, unless sign permits are issued under the Town's *Sign Control Bylaw*; or
 - (i) installing an *Earth Energy System*.
- 8.3 Every person must, in relation to an activity or a *building, structure* or other thing mentioned in subsection 8.2, comply with this Bylaw and in particular, without limitation, with any provisions of this Bylaw, or in a schedule to this Bylaw, that refer specifically to that activity, building, structure or thing.
- 8.4 Compliance with subsection 8.3 is a condition of any permit required for that work.
- 8.5 An application for a permit under this Bylaw must include:
- (a) all plans, bearing the name and business address of the plan designer;
 - (b) information required under this Bylaw or another bylaw or a Provincial or Federal enactment applicable to the proposed work;
 - (c) where the application relates to a building for residential occupancy, evidence pursuant to the Homeowner Protection Act that, within the meaning of that Act, the proposed building is covered by home warranty insurance and the constructor is a licensed residential builder, except where the owner has obtained an owner builder authorization under that Act;
 - (d) other information required by the Town or its Building Official, Fire Chief, Engineer, or planning staff.
- 8.6 A person must apply for and obtain a separate permit for each *building, structure* or other work or system, and must pay the permit fees set out in Schedule A.

9. APPLICATIONS FOR COMPLEX BUILDINGS

- 9.1 An application for a permit to construct a complex building must:
- (a) be made on a form approved by the *building official* and be signed by the *owner* or, if the *owner* is a corporation, by a signing officer, and the coordinating *registered professional*;

- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertakings, on a form approved by the *building official*, signed by the *owner* or, if the *owner* is a corporation, by a signing officer;
- (c) include a copy of a title search made within 30 days before the date of application;
- (d) unless the building official has waived this requirement, in relation to the repair or alteration of an existing building or structure, include a site plan prepared by a *registered professional* showing:
 - i. the bearing and dimensions of the parcel taken from the registered legal plan;
 - ii. the legal description and civic address of the parcel;
 - iii. the location and dimensions of all statutory rights of way, easements and setback requirements;
 - iv. the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - v. the setbacks to the natural boundary of any lake, swamp, pond or watercourse within 30 metres of the property;
 - vi. the existing and finished ground levels to an established datum at or adjacent to the site;
 - vii. the geodetic elevation of the underside of the floor joists or top of slab, or the elevation of the floor joists or the top of slab in relation to the road adjacent to the property, of a building or structure where the Town's land use regulations establish siting requirements related to minimum floor elevation; and
 - viii. the location, dimension and gradient of parking and driveway access;
- (e) 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;
- (f) include a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
- (g) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and finished grade;
- (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *Building Code*;
- (i) include copies of approvals required under any enactment relating to *health and safety*, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health, Ministry of Transportation and Infrastructure, and Ministry of Environment approvals;

- (j) include a letter of assurance in the form of Schedule A as referred to in 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*.
 - (k) include letters of assurance in the form of Schedule B as referred to in the *Building Code*, each signed by such *registered professionals* as the *building official* or *Building Code* may require to prepare the design for, and conduct field reviews of the construction of the *building* or *structure*; and
 - (l) include two (2) copies of specifications and two (2) sets of drawings if in hard-copy form, or digital copies of specifications and drawings at a suitable scale, of the design including the information set out in paragraphs (e) through (h) of this subsection .
- 9.2 In addition to the requirements of subsection 9.1, where the *building official* considers that it is warranted due to the complexity of the proposed building or structure, the building official may require the following to be submitted with an application for a permit to build a *complex building* or *structure*:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the Town's *Subdivision and Development Servicing Bylaw Number 1223, 2008*;
 - (b) a section through the site, showing grades, *buildings*, *structures*, parking areas and driveways; and
 - (c) any other information required by the building official or the *Building Code* to establish substantial compliance with this Bylaw, the *Building Code*, and other applicable bylaws and enactments relating to *buildings* or *structures* proposed in the application.

10. APPLICATIONS FOR STANDARD BUILDINGS

10.1 An application for a permit to construct a *standard building* must:

- (a) be made on a form approved by the *building official*, and be signed by the *owner* or, if the *owner* is a corporation, by a signing officer;
- (b) be accompanied by the *owner's* acknowledgment of responsibility and undertakings, on a form approved by the *building official*, signed by the owner or, if the owner is a corporation, by a signing officer;
- (c) include copies of approvals and permits required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits, and any required approvals from the Ministry of Health, Ministry of Transportation and Infrastructure, and Ministry of Environment;

- (d) include a copy of a title search made within 30 days before the date of application;
- (e) unless the *building official* has waived this requirement, in relation to the repair or alteration of an existing building or structure, include two (2) copies of a site plan showing:
 - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - ii. the legal description and civic address of the parcel;
 - iii. the location and dimensions of all statutory rights of way, easements and setback requirements;
 - iv. the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;
 - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse within 30 metres of the property;
 - vi. the existing and finished ground levels to an established datum at or adjacent to the site, or the geodetic elevation of the underside of the floor joists or top of slab of a building or structure or the elevation of the floor joists or the top of slab in relation to the road adjacent to the property as required by the building official, where the Town's land use regulations establish siting requirements related to minimum floor elevation; and
 - vii. the location, dimension and gradient of parking and driveway access;
- (f) include two (2) copies of specifications and two (2) sets of drawings if in hard-copy form, or digital copies of specifications and drawings at a suitable scale, of the design including:
 - i. 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;
 - ii. a cross section through the *building* or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
 - iii. elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, and finished grade;
 - iv. 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*; and
 - v. unless the building official has waived this requirement, where a general geotechnical investigation reveals that there may be soils with poor bearing capacity, high water tables, slope instability or other undesirable conditions, a foundation design prepared by a *registered professional* in accordance with section 4.2 of Part 4 of the *Building Code*, accompanied by letters of assurance in the form of Schedule B as referred to in the *Building Code*, signed by the *registered professional*.

10.2 The building official may waive the requirement of subparagraph 10.1 (f) (v) on receiving documentation, prepared and sealed by a registered professional, providing assurance that

the foundation design and the foundation excavation each substantially comply with the applicable provisions of Part 9 of the *Building Code*.

10.3 Where a proposed project involves:

- (a) two (2) or more buildings, which in the aggregate total more than 1000 square metres;
- (b) two (2) or more buildings that will contain four (4) or more dwelling units; or
- (c) where the *building official* considers it warranted due to the complexity of the proposed building or structure or siting circumstances, the *building official* may require, in addition to the requirements of subsection 10.1, the following information to be submitted with an application for a permit to construct a *standard building*:
 - i. 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 Town's *Subdivision and Development Servicing Bylaw Number 1223, 2008*;
 - ii. a section through the site, showing grades, *buildings*, *structures*, parking areas and driveways;
 - iii. a roof plan and roof height calculations;
 - iv. architectural, structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - v. other assurances, including:
 - A. letters of assurance in the form of Schedule B as referred to in the *Building Code*, signed by a registered professional, if the building meets the criteria set out in Section 2.2.7.1.1) b) or c) of Division C of the *Building Code*; and
 - B. any other information required by the building official or the Building Code to establish substantial compliance with this Bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure.

11. PROFESSIONAL PLAN CERTIFICATION

- 11.1 The Town and its *building officials* will rely on the letters of assurance in the form of Schedule B referred to in the *Building Code* and provided as certification that the design and plans to which the letters of assurance relate comply with the *Building Code* and other applicable enactments related to safety.
- 11.2 A building permit issued for the construction of a *complex building* or for a *standard building* for which a *building official* required professional design and letters of assurance pursuant to this Bylaw shall be in a form provided by the *building official*.
- 11.3 A building permit issued pursuant to subsection 11.2 will include a notice to the *owner* that the building permit is issued in reliance upon the certification of the *registered professional* that the design and plans submitted in support of the application for the permit comply with the *Building Code* and other applicable enactments relating to safety.

- 11.4 When a building permit is issued in accordance with section 11.2, the permit fee is reduced by 5 percent of the fees otherwise payable under Schedule A to this Bylaw, up to a maximum reduction of five hundred dollars (\$500.00).

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, must be paid in full prior to issuance of any permit under this bylaw.
- 12.2 If a permit is surrendered and cancelled before any construction or installation begins, the owner may obtain a refund of the applicable fee under Schedule A, except that:
- (a) no refund shall be made where construction or installation has begun or an inspection has been conducted by the Town; and
 - (b) no refund shall be made for Building Permit fees less than \$250 and the fee shall be retained for the purpose of administering this bylaw.
 - (c) For Building Permit fees which exceed \$250, \$250 shall be retained for the purpose of administering this bylaw and the Building Permit fee paid, less \$250 shall be refunded.
- 12.3 When an application is cancelled, the plans and related documents submitted with the application may be destroyed by the Town.
- 12.4 Where, due to non-compliance with this Bylaw, more than two inspections are necessary when only 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 must 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 Town 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 of this Bylaw.
- 12.6 If a person who commences or continues work for which a permit under this Bylaw is required, or contrary to an order issued by a building official, in addition to the ordinary permit fee, the person must pay an additional charge equal to twenty-five percent (25 %) of the ordinary permit fee that would apply to a maximum of \$500.

13. DAMAGE DEPOSIT

- 13.1 A damage deposit must be paid at the time of application for a building permit or a permit for a temporary *building* or *structure* in accordance with Schedule A of this bylaw, the sum of which may be used to cover the cost of the Town for maintaining, restoring, or replacing any public works or public lands which are lost, destroyed, damaged, or

otherwise impaired arising or resulting from work being carried out on the lot referred to in any building permit held by the applicant.

- 13.2 Damage deposits will be returned upon completion of construction and correction of any outstanding deficiencies listed in the building permit inspection reports, except that any costs incurred by the Town due to destruction, damage or other impairment to municipal property caused by or resulting from work pursuant to a permit or for which a permit is required, will be deducted from the deposit and used to cover those costs. Damage deposits for temporary buildings or structures will be refunded when all obligations of the permit are fulfilled. Any remaining amounts for costs incurred by the Town shall become a debt due and owing to the Town by the *owner*, payable on being delivered an invoice from the Town.

14. BUILDING PERMITS

- 14.1 A *building official* may issue a permit for which an application is made under this Bylaw when all of the following requirements have been met:
- (a) a completed application, including all required supporting documentation, has been submitted to the Town;
 - (b) the proposed work set out in the application substantially conforms with the *Building Code*, this Bylaw, all other applicable bylaws and other enactments;
 - (c) the Town has received payment for all applicable fees set out in this Bylaw;
 - (d) the Town has received payment for all charges and any amounts owing to the Town in relation to the work;
 - (e) no bylaw or other enactment, or covenant, agreement, or order authorizes or requires the permit to be withheld;
 - (f) the *owner* has retained a professional engineer or geoscientist if required by the *Engineers and Geoscientists Act*; and
 - (g) the *owner* has retained an architect if required by the *Architects Act*.
- 14.2 A building official may seek advice or take other steps to confirm whether the *Building Code*, or another applicable enactment, has been met, and may withhold the issuance of a permit under this Bylaw until reasonably satisfied that the work or proposed work meets the standards of those enactments.
- 14.3 Subject to subsection 14.4, every permit is issued on the condition that it shall expire, and the rights of the *owner* under the permit shall terminate if, from the date of issuance of the permit:
- (a) the work authorized by the permit is not commenced within 12 months; or
 - (b) the work has not been completed within 24 months.

- 14.4 A *building official* may extend the period of time for which the permit is valid in relation to an application where construction has been delayed or discontinued due to adverse weather conditions, labour shortages or strikes, natural disasters, or similar conditions beyond the *owner's* control.
- 14.5 A *building official* may issue an excavation permit prior to the issuance of a building permit.
- 14.6 When a site has been excavated under a permit issued under subsection 14.5, and a building permit is not subsequently issued or a subsisting building permit has expired, but without the work having been commenced, the *owner* or *constructor* must, within 60 days of being served notice to do so by the Town, fill in the excavation to restore the original grade of the site.
- 14.7 A *building official* may issue a building permit for a portion of a *building* or *structure* before the design, plans and specifications for the entire building or structure have been accepted, provided that:
- (a) sufficient information has been provided to the Town such as to satisfy the building official that the portion authorized to be constructed substantially complies with this and other applicable bylaws; and
 - (b) the permit fee applicable to that portion of the building or structure has been paid.

Despite the issuance of a permit under this subsection, the requirements of this Bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.

- 14.8 A building official may issue a building permit to erect or place a temporary building or structure for up to 12 months, and may renew it for a period of not more than 12 additional months.

15. DISCLAIMER OF REPRESENTATION OR WARRANTY

- 15.1 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*, constitute any representation or warranty by the Town that the *Building Code* or this or any other bylaws of the Town, or other applicable enactments have been complied with, or that the *building* or *structure* meets any required standard of materials or workmanship. A person must not rely on any review, acceptance, inspection or other actions or statements by the Town or its officials, employees, agents, contractors or servants as establishing compliance with the *Building Code*, or any other enactment or standard of construction.

16. PROFESSIONAL DESIGN AND FIELD REVIEW

- 16.1 If a *building official* considers that the site conditions, size or complexity of a development, or some aspect of a development, warrant certification and assurances, the *building official* may require a *registered professional* to 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 the *Building Code*.
- 16.2 Prior to issuance of an occupancy permit for a *complex building*, or for a *standard building* for which letters of assurance have been required under this Bylaw, the *owner* must provide the Town with letters of assurance in the form of Schedules C-A or C-B, as applicable, referred to in the *Building Code*.
- 16.3 A *registered professional* who has been requested to provide letters of assurance pursuant to this Bylaw must also provide proof of professional liability insurance to the *building official*.

17. INSPECTIONS

- 17.1 When a *registered professional* provides a letter or letters of assurance in accordance with this bylaw, the Town will rely solely on those assurances, and field reviews undertaken by the registered professional, as assurance that the construction or installation substantially conforms to the design, and substantially complies with the *Building Code*, this bylaw, and other enactments related to health and safety.
- 17.2 Despite subsection 17.1, and additionally in relation to other circumstances of work regulated under this Bylaw, a *building official* may enter and attend at the work site from time to time during the course of construction or installation to ascertain whether:
- (a) any field reviews by a *registered professional* are taking place and to monitor any such field reviews that are undertaken.
 - (b) *health and safety* aspects of the work are being carried out in substantial conformance with applicable provisions of the *Building Code*, this bylaw, and other applicable enactments related to *health and safety*.
- 17.3 Prior to covering or concealing the following aspects of construction or installation, the *owner* or *owner's* agent or representative must arrange for an inspection by a *building official*, providing at least 24 hours' advance notice to the Town, and following inspection must obtain acceptance by a *building official*:
- (a) when the footing forms are complete, but prior to placing any concrete;
 - (b) when the foundation forms are complete, but prior to placing any concrete;
 - (c) when installation of perimeter drain tiles and damp proofing is complete, but prior to backfilling;
 - (d) when the plumbing system or part thereof is complete but prior to covering;

- (e) when the preparation of ground, including ground cover, if required, is complete, but prior to the placing of a concrete slab;
- (f) when the rough-in of factory-built chimneys and fireplaces and solid fuel burning appliances is complete, but prior to covering;
- (g) when the framing, sheathing, fire stopping, bracing, and plumbing are complete, but before any insulation or exterior finish is applied;
- (h) when the insulation and air/vapour barrier are complete, but prior to the installation of any interior finish that would conceal such work;
- (i) when the *building* or *structure* is substantially complete and ready for occupancy, but before occupancy takes place of the whole or any part of the *building* or *structure*;
- (j) when any deficiencies noted on a previous inspection are rectified, but before such work is concealed; and
- (k) when otherwise required by the *building official*.

17.4 A person must not cover or conceal any aspect of the work listed in subsection 17.3 until a building inspector has indicated acceptance in writing of that aspect of the work.

17.5 A person must, at his or her sole cost and expense, comply with any request by the *building official* to uncover or replace work that has been covered or concealed prior to its acceptance by the *building official* or contrary to an order issued by the *building official*.

17.6 Subsections 17.3, 17.4 and 17.5 do not apply to any aspect of work that is the subject of a *registered professional's* letter of assurance provided to the building official in accordance with this Bylaw.

18. OCCUPANCY PERMITS

18.1 A person must not occupy a *building* or *structure*, or any part thereof, until an occupancy permit for that *building* or *structure* has been issued by a *building official*.

18.2 A *building official* may issue an occupancy permit when:

- (a) all required letters of assurance have been submitted;
- (b) all aspects of the work requiring inspection and acceptance have been inspected and accepted;
- (c) final electrical and gas inspections have been requested as appropriate;
- (d) health components have received final approval from the public health inspector as required under an enactment;

- (e) if appropriate, the Golden Fire Rescue Services department has conducted a fire safety inspection and indicated its acceptance in writing; and

- 18.3 Despite subsection 18.1, a building official may issue an occupancy permit for part of a building or structure if that part of the building or structure is self-contained, has been provided with essential services, and meets the requirements of subsection 18.2.

19. ORDERS AND NOTICES

- 19.1 A *building official* may order the cessation of any work that appears to be proceeding in contravention of the *Building Code*, this Bylaw, or a term or condition of a permit, by posting a “Stop Work” order on the parcel or property that is the subject of the non-compliance.
- 19.2 The *owner* of a parcel or property on which a “Stop Work” order has been posted, and every other person, must cease all construction or installation work immediately, and must not do any further work until all applicable provisions of this Bylaw have been substantially complied with and the *building official* has indicated, in writing, that the “Stop Work” order has been rescinded and that the work may proceed or continue.
- 19.3 If it appears that a person occupies a parcel, *building* or *structure*, or part thereof, in contravention of this Bylaw, a *building official* may post a “Do Not Occupy” notice on the affected part of the *building* or *structure*.
- 19.4 Where a “Do Not Occupy” notice has been posted on a parcel, *building* or *structure*, each and every person in occupation must immediately cease the occupancy and refrain from further occupancy until all applicable provisions of the *Building Code* and this Bylaw have been substantially complied with, and a *building official* has rescinded, in writing, the “Do Not Occupy” notice.
- 19.5 A “Stop Work” order, and a “Do Not Occupy” notice, and any related communication by a building official, may include restrictions or conditions that must be met before the order or notice is rescinded, and may be in a form approved by the *building official*.

20. OFFENCE AND PENALTIES

- 20.1 A person who:
 - (a) contravenes, violates or fails to comply with any provision of this Bylaw;
 - (b) fails or neglects to do anything required to be done under this Bylaw;
 - (c) suffers or allows any action or thing to be done in contravention of this Bylaw; or any order, notice or direction made under this Bylaw, commits an offence, and where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.

- 20.2 On being convicted of an offence under this Bylaw, a person is liable to pay of fine of up to Ten Thousand Dollars (\$10,000.00).

21. SCHEDULES AND REPEAL

- 21.1 Schedules A and B are attached to and form part of this Bylaw.
- 21.2 The *Town of Golden Building By-law No. 1214, 2007* and all amendments thereto, are hereby repealed in their entirety.

READ A FIRST TIME THIS 8TH DAY OF MAY , 2012.

READ A SECOND TIME THIS 8TH DAY OF MAY , 2012.

READ A THIRD TIME THIS 8TH DAY OF MAY , 2012.

ADOPTED THIS 29TH DAY OF MAY , 2012 BY A UNANIMOUS
DECISION OF ALL MEMBERS OF TOWN COUNCIL PRESENT AND
ELIGIBLE TO VOTE.



MAYOR

CORPORATE OFFICER

TOWN OF GOLDEN
BYLAW NUMBER 1299, 2012
BUILDING REGULATION
SCHEDULE 'A' – PERMIT FEES

1. **Building Permit:** To erect, alter, repair or place a building or structure the fee shall be:
 - 1.1. \$8.00 per \$1000.00, or part thereof of the estimated construction value up to \$100,000.00;
 - 1.2. \$6.00 per \$1,000.00 or part thereof thereafter,
 - 1.3. A minimum fee of \$40.00 per permit application; and
 - 1.4. Double the permit fee, for any work undertaken on a project without a valid permit or approval, up to a maximum of \$500.00, in addition to the permit fee.
2. **Plumbing Permit:** To install, alter, or repair any plumbing works, the fee shall be \$6.00 per fixture, with a minimum fee of \$25.00.
3. **Sprinklers:** \$6.00 for the first twenty-five (25) sprinkler heads plus \$2.00 for each additional sprinkler head thereafter, with a minimum fee of \$25.00.
4. **Demolition:** To demolish a building or structure, the fee shall be \$50.00.
5. **Moving:** To move a building or structure, the fee shall be \$100.00.
6. **Underground Oil Tank:** Removal of an existing underground oil tank, the fee shall be \$50.00.
7. **Temporary Buildings & Structures:** To erect or place a Temporary Building or Structure, the fee shall be \$100.00.
8. **Re-inspection:** For the inspection of rejected work, the fee shall be \$50.00.
9. **Sustainable Energy Projects:** For solar hot water and photovoltaic installations, and geothermal heating installations the fee shall be \$25.00.
10. **Permit Renewal:** To renew a permit about to expire, or an expired permit, the fee shall be \$50.

11. **Damage Deposit:** Damage to Town Properties: The applicant for a permit shall, before the permit is issued, deposit with the Town cash or an irrevocable Letter of Credit in the amount of:
 - 11.1. \$500.00 for each Single Family Residence or for each residential unit in a Multiple Dwelling Project to a maximum of \$5,000.00, or
 - 11.2. \$75.00 per meter of frontage or \$12,000.00 whichever is greater amount other than residential development.
12. **Other Fees:** Other Town Bylaw charges, as amended from time to time:
Wherever it is applicable, the applicant may also be required to pay the following fees in addition to the above:
 - 12.1. Water Turn-On/Off, Sewer and Water Service Connections and Water Meter Deposit fee as set out in the Town Water Rates and Regulations Bylaw and Sanitary Collection Rates and Regulations Bylaw;
 - 12.2. Landscaping Security Deposit as required in the Town Zoning Bylaw;
 - 12.3. Payment In Lieu of providing off-street parking as required in the Town Zoning Bylaw and Town Off-street Parking and Reserve Fund Bylaw; and/or
 - 12.4. Development Cost Charges as required in the Town Development Cost Charges Bylaw.
 - 12.5. For inspections outside normal office hours, the fee shall be \$200 for the first 2 hours or part thereof, and \$100 per hour thereafter.

TOWN OF GOLDEN
BYLAW NUMBER 1299, 2012
BUILDING REGULATION
SCHEDULE 'A'

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- 12.5. For inspections outside normal office hours, the fee shall be \$200 for the first 2 hours or part thereof, and \$100 per hour thereafter.

TOWN OF GOLDEN
BYLAW NUMBER 1299, 2012
BUILDING REGULATION
SCHEDULE 'B'

1. Retaining Structures Over 1.5 Metres

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.

2. Demolition

Prior to demolishing a building or structure, or any works or services, including, without limitation, underground piping, foundations and tanks, every owner or owner's agent must:

- (a) arrange for the Town to disconnect and cap water and sewer service lines to the property, prior to demolition;
- (b) arrange for disconnection of all power, telephone, cable and gas lines, prior to demolition;
- (c) obtain from the Town any additional permits required for street closures and notify all regulating bodies, prior to demolition;
- (d) complete and submit a site profile form if required by the *Contaminated Site Regulation* BC Reg.375/96 under the *Environmental Management Act*;
- (e) protect, as per *Building Code* requirements of Division B-Part 8 "Safety Measures at Construction and Demolition Sites", all public sidewalks, thoroughfares and streets, prior to demolition;
- (f) remove all demolition materials and foundations from the site, fill and level all excavations, and leave the site in a tidy condition;
- (g) be responsible and liable for all damages to utilities and adjoining properties during demolition; and
- (h) fully comply with all requirements of this section within ninety (90) Days of the date of issuance of the demolition permit.

3. Plumbing and Sprinkler Systems

- 3.1 Prior to installing any plumbing system, including without limitation lawn and building

sprinkler systems, every owner or owner's agent must:

- (a) arrange for connection to Town water, sanitary sewer and storm sewer services, where services are available;
- (b) arrange the plumbing to suit the location of the connection provided for the lot by the Town;
- (c) where Town sanitary sewer connection is not available to the property, install a sewage disposal system approved by a Medical Health Officer or his delegate in accordance with the Sewerage System Regulation under the *Public Health Act*; and
- (d) ensure that all installation, alteration or repair work carried out on a plumbing system is performed in accordance with the *Building Code*

4. Moving Buildings or Structures

4.1 Every owner, or owner's agent who moves a building or structure into, out of, or within the Town must ensure all of the following requirements are met:

- (a) compliance with provisions of this Bylaw related to buildings, structures and plumbing, and the dismantling, removal or demolition of works and services;
- (b) compliance with other applicable bylaws of the Town;
- (c) compliance with regulations and requirements of other regulatory bodies;
- (d) the building or structure must be certified as structurally sound for moving purposes by a professional engineer, registered in the Province of British Columbia and having experience in the matter;
- (e) all safety measures in respect of services must be met;
- (f) all service providers and the Town's Manager of Operations are notified at least ten business days in advance of the move; and
- (g) prior to moving the building or structure, all services have been disconnected in a manner satisfactory to the Town's Manager of Operations.

4.2 The Town's Manager of Operations may designate an approved route along which the owner must move the building or structure on public roads, and the owner must ensure that that route is followed..

4.3 Any person who moves, drags or skids a building upon a public road, sidewalk or other public property shall be liable to compensate the Town for the costs arising from any damages so caused.

5. Swimming Pools

5.1 Every owner and owner's agent who constructs or installs swimming pool shall comply with the following:

- (a) The pool must be either:
 - i. located within a secure building or structure, or
 - ii. if it is located outdoors, it must be fully enclosed within a fence at least 1.8 metre in height and having a secure gate;
- (b) the pool must not be connected to the Town water system unless and until such connection is protected with an approved back flow prevention device; and
- (c) water from the pool must not be discharged into the Town sanitary sewer system unless written permission has first been obtained from the Town's Manager of Operations.

6. Temporary Structures

6.1 An owner who constructs or places, or causes to have constructed or placed, a temporary structure must provide the Town with an irrevocable letter of credit or certified cheque in the amount of \$2,000 must be deposited with the Town prior to issuance of the building permit as security that the temporary structure will be removed in its entirety and the site left in a safe and in a sanitary condition when the building has been removed.

6.3 A permit for a temporary structure for a period issued under this bylaw expires after a maximum period of 12 months, or a lesser period as permitted by the Building Official, but on further application, may be renewed once only for a period of not more than 12 months.

7. Earth Energy Systems

7.1 An owner or owner's agent who designs and installs an earth energy system must ensure compliance with the following regulations:

- (a) Every new EES shall be designed and installed in compliance with CAN/CSA-C448.2-02 (small systems) or CAN/CSA-C448.1-02 (large systems) as appropriate. This includes design by a professional engineer who will be required to submit letters of assurance indicating that the system installation complies with the appropriate standard.
- (b) For any proposed large (>20kW) EES, a hydrogeological study shall be completed by an APEGBC licensed hydrogeologist (to accompany the building permit application) which characterizes the hydrogeology of the site and provides suitable recommendations to install and operate the EES in a manner that will not endanger the quantity or quality of the municipality groundwater supply.

- (c) Methanol shall not be used in any EES.
- (d) All boreholes and wells installed for EES purposes shall be drilled by a B.C. licensed contractor.
- (e) All wells and installations shall be properly sealed as per the B.C. Ground Water Protection Regulation.
- (f) For the Town of Golden municipal well capture zones, including buffer zones, a hydrogeological study be completed by an APEGBC licensed hydrologist (to accompany the building permit application) which characterizes the hydrogeology of the site and provides suitable recommendations to install and operate the EES in a manner that will not endanger the quantity or quality of the municipality groundwater supply.
- (g) Open-loop systems shall be allowed only in the shallow aquifer, with wells no deeper than 15m.
- (h) Groundwater pumped for open-loop systems shall be returned to the same aquifer via return wells.

