



## DISTRICT OF PORT HARDY

### BYLAW NO. 1008-2013

A Bylaw to Amend Building Bylaw No. 11-2005 to Implement Changes Introduced by the 2012 British Columbia Building Code

WHEREAS the Council of the District of Port Hardy deems it expedient to amend Bylaw No. 11-2005;

NOW THEREFORE, the Council of the District of Port Hardy in open meeting assembled enacts as follows:

#### **PART 1 CITATION**

1.1 This Bylaw shall be cited as "District of Port Hardy Building Bylaw Amendment Bylaw No. 1008-2013".

#### **PART 2 AMENDMENTS**

2.1 Building Bylaw No. 11-2005 is hereby amended as follows:

a) Section "2. *Definitions*" is hereby amended by:

i) Deleting the portion of the sentence which reads "*The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998:*" and replacing it with "*The following words and terms have the same meanings set out in Section 1.4.1.2. of the British Columbia Building Code 2012, as amended or re-enacted from time to time:*"

ii) Deleting the definition "*Building Code*" and replacing it with the following new definition:

*"Building Code means the British Columbia Building Code 2012 as adopted by Ministerial Order No. M188 on September 7, 2012, as amended or re-enacted from time to time."*

iii) Deleting the definition "*Building Official*" and replacing it with the following new definition:

*"Building Official means the Municipal Inspector or any other employee or contractor so designated by the District."*

iv) Deleting the definition "*District*" and replacing it with the following new definition:

*"District means the Corporation of the District of Port Hardy."*

b) Section "9. *Applications for Complex Buildings*" is hereby amended by:

i) Deleting subsection 9.(a)viii) in its entirety and replacing it with the following new subsection 9.(a)viii):

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*“Include letters of assurance as required by and in accordance with section 2.2.7. of Division C – Part 2 of the Building Code.”*

- ii) Deleting subsection 9.(a)ix) in its entirety and renumbering subsection 9.(a)x) to subsection 9.(a)ix).
- c) Section “10. Applications for Standard Buildings” is hereby amended by:

- i) Deleting subsection 10(c)v) in its entirety and replacing it with the following new subsection 10(c)v):

*“Letters of assurance as required by and in accordance with section 2.2.7. of Division C – Part 2 of the Building Code.”*

- d) Section “11. Professional Plan Certification” is hereby amended by:

- i) Deleting subsection 11(a) in its entirety and replacing it with the following new subsection 11(a):

*“The letters of assurance required by this Bylaw in accordance with section 2.2.7. of Division C – Part 2 of the Building Code, are relied upon by the District and its Building Officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety.”*

- e) Section “17. Professional Design and Field Review” is hereby amended by:

- i) Deleting subsection 17(a) in its entirety and replacing it with the following new subsection 17(a):

*“When a Building Official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field review by means of letters of assurance in the form provided for in accordance with section 2.2.7. of Division C – Part 2 of the Building Code.”*

- ii) Deleting subsection 17(b) in its entirety and replacing it with the following new subsection 17(b):

*“Prior to the issuance of an occupancy permit for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with sections 10(c)v) or 17(a) of this Bylaw, the District shall be provided with the applicable letters of assurance in accordance with section 2.2.7.2.2) of Division C – Part 2 of the Building Code.”*

- f) Section “22. Fixtures” is hereby amended by:

- i) Deleting subsections 22.(a), (b) and (c) in their entireties and replacing them with the following new subsections 22.(a), (b) and (c):

*“(a) All toilets shall be of a design that uses no more than six(6) litres of water per flush, without the aid of any add-on or retrofit devices.*

*“(b) All shower heads shall be of a design that limits the flow rate to nine and one half (9.5) litres per minute or less.*

*“(c) All sink faucets installed in any residential use building in the District shall be of a design that limits the flow rate to eight point three (8.3) litres per minute or less.”*

- g) Section “23. *Climatic Data*” is hereby amended by deleting it in its entirety and replacing it with the following new section “23. *Climatic Data*”:

*“23. Climatic Data*

*Climatic data for the design of buildings in the District shall be:*

*Design Temperature:*

<i>January 2.5% Temperature .....</i>	<i>-5° C</i>
<i>January 1% Temperature .....</i>	<i>-7°C</i>
<i>July 2.5% Drybulb Temperature .....</i>	<i>20° C</i>
<i>July 2.5% Wetbulb Temperature .....</i>	<i>16° C</i>

*Precipitation:*

<i>One Day Rainfall.....</i>	<i>150 mm</i>
<i>15 Minute Rainfall.....</i>	<i>13 mm</i>
<i>Ground Snow Load, Snow Component .....</i>	<i>0.9 kPa</i>
<i>Ground Snow Load, Rain Component.....</i>	<i>0.4 kPa</i>

*Hourly Wind Pressures:*

<i>Probability 1/10.....</i>	<i>0.40 kPa</i>
<i>Probability 1/30.....</i>	<i>0.52 kPa</i>

*Seismic Data:*

<i>Sa(0.2).....</i>	<i>0.43</i>
<i>Sa(0.5).....</i>	<i>0.31</i>
<i>Sa(1.0).....</i>	<i>0.17</i>
<i>Sa(2.0).....</i>	<i>0.10</i>
<i>PGA.....</i>	<i>0.20”</i>

- h) Schedule “A” is deleted in its entirety.
- i) Section “13. *Damage Deposits*” is hereby amended by deleting it in its entirety and replacing it with the following new section 13. *Damage Deposits*”:

*“13.1 Where during the course of construction for which a permit is issued there will be excavation, heavy equipment crossing an adjacent highway or sidewalk, or transporting materials from or to the site across a curb or ditch, a deposit shall be submitted to the District to pay for the costs of repairing any damage that*

may be caused to the adjacent highway, or public utilities located in or on the adjacent highway, or District property during the course of construction.

- 13.2 The damage deposit required by subsection 13.1 herein shall be in an amount as specified in the District of Port User Rates and Fees Bylaw, and shall be deposited in the form of cash, certified cheque or irrevocable letter of credit in a format approved by the District from a Canadian bank or Credit union, prior to the issuance of the permit.
- 13.3 Where it is deemed necessary by the Building Official to clean highways due to construction activities undertaken in connection a permit, the cost of such cleaning shall be deducted from the damage deposit referred to in section 13.2 herein.
- 13.4 Where a highway or a public utility on or adjacent to a highway, has been damaged by any work undertaken in connection with a permit, and where the owner fails to clean up or repair the highway or public utility, or cause the highway or public utility to be cleaned up or repaired in a manner satisfactory to the Building Official within fourteen (14) days of being notified to do so by the Building Official, then the District shall carry out such repairs or clean up and may use the damage deposit referenced herein to pay for the said repairs or clean up.
- 13.5 Should there be an insufficient amount of monies on deposit with the District, then the permittee shall be liable for payment, and shall pay forthwith, upon invoice, the balance that is required by the District to carry out or cause to be carried out, the necessary repairs, clean-up or highway reconstruction, together with an administration charge of \$100 (\$100.00) dollars.

### **PART 3 SEVERABILITY**

- 3.1 If a portion of this Bylaw is held invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Read a first time the 12<sup>th</sup> day of March, 2013.

Read a second time the 12<sup>th</sup> day of March, 2013.

Read a third time the 12<sup>th</sup> day of March, 2013.

Adopted on the 9<sup>h</sup> day of April, 2013.

*Original signed by:*

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Director of Corporate &  
Development Services

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Mayor