



**DISTRICT OF PORT HARDY
BYLAW 11-2005**

**A BYLAW FOR THE ADMINISTRATION AND
ENFORCEMENT OF THE BUILDING CODE**

AS AMENDED

**Consolidation:
17 APRIL 2013
CONSOLIDATED COPY FOR
CONVENIENCE ONLY**

Amending Bylaws:

Bylaw 1008-2013 - Text and delete Schedule "A"

**THE DISTRICT OF PORT HARDY
BYLAW NO. 11-2005**

**A BYLAW FOR THE ADMINISTRATION AND
ENFORCEMENT OF THE BUILDING CODE**

WHEREAS the Community Charter authorizes the District, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

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

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

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

1. Title

This bylaw may be cited for all purposes as the "Building Bylaw No. 11-2005".

2. Definitions

In this bylaw:

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: 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, plumbing system, registered professional, and residential occupancy.

Amended
Bylaw
1008-2013

Alteration means any repair, renovation or modification of any building or structure regulated under this bylaw.

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.

Amended
Bylaw
1008-2013

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

Complex Building means:

(a) all buildings used for major occupancies classified as

- (i) assembly occupancies,
- (ii) care or detention occupancies,

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

Construction value means the per square metre value of construction for the relevant part and the relevant type of building as determined from time to time by the B.C. Assessment Authority, multiplied by the number of square metres proposed to be constructed.

District means the Corporation of the District of Port Hardy

Amended Bylaw 1008-2013

Health and safety aspects of the work means design and construction regulated by the Building Code.

Monitor or monitoring means to randomly check on or scrutinize field reviews or inspections by registered professionals.

Standard building means a building of three stories 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.

Wood Burning Appliance means a device designed for wood combustion so usable heat is derived for the interior of a building or structure and includes but is not limited to woodstoves, fireplaces, fireplace inserts and combination fuel furnaces.

3. Purpose of Bylaw

- (a) The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- (b) This bylaw has been enacted for the purpose of regulating construction within the District in the general public interest. The activities undertaken by or on behalf of

the District pursuant to this bylaw are for the sole purpose of providing a limited and interim monitoring function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

- (i) to the protection of owners, owner/builders or constructors from economic loss;
- (ii) to the assumption by the District or any Building Official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by him or her, with the Building Code, the requirements of this bylaw or other applicable enactments respecting safety;
- (iii) to providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit, plumbing permit or occupancy permit is issued under this bylaw;
- (iv) to providing a warranty or assurance that construction undertaken pursuant to a building permit or a plumbing permit issued by the District is free from latent, or any defects.

4. Permit Conditions

- (a) A permit is required whenever work regulated under this bylaw is to be undertaken.
- (b) Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the District shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and or other applicable enactments respecting safety.
- (c) It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the Building Code and this bylaw or other applicable enactments respecting safety.
- (d) 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 District constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw or other applicable enactments respecting safety have been complied with.
- (e) No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building or plumbing permit is issued and his or her representatives are responsible for making such determination.

5. Scope and Exemptions

- (a) This bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy or change of occupancy of existing buildings and structures within the District
- (b) This bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining structures less than 1.5 meters in height.

6. Prohibitions

- (a) No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction unless a Building Official has issued a valid and subsisting permit for the work.
- (b) No person shall occupy or use any building or structure unless a valid and subsisting occupancy permit has been issued by a Building Official for the building or structure, or contrary to the terms of any permit issued or any notice given by a Building Official.
- (c) No person shall knowingly submit false or misleading information to a Building Official in relation to any permit application or construction undertaken pursuant to this bylaw.
- (d) 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.
- (e) No person shall do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been accepted in writing by a Building Official.
- (f) No person shall obstruct the entry to a property by a Building Official or other authorized official of the District acting in the conduct of administration and enforcement of this bylaw

7. Building Officials

- (a) Each Building Official may:
 - i) administer this bylaw;
 - ii) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or electronic copies of such documents.; and
 - iii) 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 is sought under this bylaw substantially conform to the requirements of the Building Code.

- (b) A Building Official:
 - (i) may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - (ii) where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - (iii) shall carry proper credentials confirming his or her status as a Building Official.
- (c) A Building Official may order the cessation, removal or correction of any work that is being or has been done in contravention of this bylaw.
- (d) A Building Official may revoke or refuse to issue a permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory, in his/her opinion.

8. Applications

- (a) Every person shall apply for and obtain:
 - i) a building permit before constructing, repairing, altering or changing the use of a building or structure;
 - ii) a moving permit before moving a building or structure;
 - iii) a demolition permit before demolishing a building or structure;
 - iv) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid building permit.
 - v) A plumbing permit before installing, adding, or altering a plumbing system to a new or existing building or structure.
- (b) An application for a building permit shall be made in the form prescribed from time to time by the District.
- (c) An application for a moving permit shall be made in the form prescribed from time to time by the District.
- (d) An application for a demolition permit shall be made in the form prescribed from time to time by the District.
- (e) An application for a fireplace and chimney permit shall be made in the form prescribed from time to time by the District.
- (f) An application for a plumbing permit shall be made in the form prescribed from time to time by the District.
- (g) All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.

- (h) Each building or structure to be constructed on a site may, in the opinion of the Building Official, require a separate building permit and shall be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with the applicable schedule of the District of Port Hardy Rates Bylaw.

9. Applications for Complex Buildings

- (a) An application for a building permit with respect to a complex building shall:
 - i) be made in the form prescribed from time to time by the District, signed by the owner, or a signing officer if the owner is a corporation.
 - ii) include a copy of a title search made within 30 days of the date of the application;
 - iii) include a site plan or at the discretion of the Building Official a site plan prepared by a British Columbia Land Surveyor showing:
 - (A) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (B) the legal description and civic address of the parcel;
 - (C) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (D) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (E) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District's land use regulations establish siting requirements related to flooding;
 - (F) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the District's land use regulations establish siting requirements related to minimum floor elevation; and
 - (G) the location, dimension and gradient of parking and driveway access;
 - iv) 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.
 - v) show a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - vi) show elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;

- vii) show 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;
 - viii) Include letters of assurance as required by and in accordance with section 2.2.7. of Division C – Part 2 of the Building Code
 - ix) Include two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 9(a)(iv) through to and including 9(a)(vii) of this bylaw.
- (b) The Building Official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
- (c) In addition to the requirements of section 9(a), the following may be required by a Building Official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
- 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 District's subdivision servicing bylaw;
 - ii) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - iii) 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.

Amended
Bylaw
1008-2013

Amended
Bylaw
1008-2013

10. Applications for Standard Buildings

- (a) An application for a building permit with respect to a standard building shall:
- i) be made in the form prescribed from time to time by the District, signed by the owner, or a signing officer if the owner is a corporation;
 - ii) include a copy of a title search made within 30 days of the date of the application;
 - iii) Include a site plan or at the discretion of the Building Official a site plan prepared by a British Columbia Land Surveyor showing:
 - (A) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (B) the legal description and civic address of the parcel;
 - (C) the location and dimensions of all statutory rights of way, easements and setback requirements;

- (D) the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - (E) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District's land use regulations establish siting requirements related to flooding;
 - (F) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the District's land use regulations establish siting requirements related to minimum floor elevation;
 - (G) the location, dimension and gradient of parking and driveway access; and
- iv) a foundation plan showing all required bearing locations of the structure being transferred to the foundation;
 - v) 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;
 - vi) a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - vii) elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - viii) 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;
 - ix) copies of approvals, permits or documents filed under any enactment relating to health or safety, including, without limitation, highway access permits and the filing number provided by the health authority as a result of compliance with section 8 of the Sewerage System Regulation.
 - x) two sets of drawings at a suitable scale of the design including the information set out in sections 10(a)(iv) through to and including 10(a)(viii) of this bylaw.
- (b) The Building Official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
 - (c) In addition to the requirements of section 10(a), the following may be required by a Building Official to be submitted with a building or plumbing permit application where the complexity of the proposed building or structure or siting circumstances warrant:

- 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 District's subdivision servicing bylaw.
- 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, mechanical, plumbing, fire suppression, electrical, geotechnical drawings prepared and sealed by a registered professional;
- v) letters of assurance as required by and in accordance with section 2.2.7. of Division C – Part 2 of the Building Code
- vi) 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.

Amended
Bylaw
1008-2013

11. Professional Plan Certification

- (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.
- (b) When a building permit is issued and includes letters of assurance in accordance with sections 9(a)(x), 17(a) and 17(b) of this bylaw the permit fee shall be reduced by 10% of the fees payable pursuant to the applicable schedule of the District of Port Hardy Rates Bylaw.

Amended
Bylaw
1008-2013

12. Fees and Charges

- (a) In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with the applicable schedule of the District of Port Hardy Rates Bylaw, shall be paid in full prior to the issuance of any permit under this bylaw.
- (b) Cancellation of application
 - i) An application shall be cancelled if the building permit has not been issued and the permit fee paid within 180 days of the date of the permit application.
 - ii) When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- (c) The owner may obtain a refund of the permit fees set out in the applicable schedule of the District of Port Hardy Rates Bylaw when a permit is surrendered and cancelled before any construction begins.
- (d) No refund shall be made where construction has begun or an inspection has been made.
- (e) Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the

second inspection, a re-inspection charge as set out in the applicable schedule of the District of Port Hardy Rates Bylaw shall be paid prior to additional inspections being performed.

- (f) For a required permit inspection requested to be done after the hours during which the offices of District 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 the applicable schedule of the District of Port Hardy Rates Bylaw.

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.

Amended
Bylaw
1008-2013

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.

14. Moving Buildings

- (a) A building may be moved into the District provided:
 - i) the building, when established on its new site shall have a floor area no greater than 372 square metres and shall have a value, in the opinion of the Building Official of not less than Five Hundred and Ninety-two Dollars (\$592.00) per square metre excluding the land on which it stands; and

- ii) the building, and the usage of the building, after being moved, shall conform in all respects with the requirements of this bylaw and all other applicable bylaws of the District.
- (b) A building situated within the District may be moved within the District provided that the building, when established on its new site, shall have a floor area no greater than 372 square metres and shall have a value, in the opinion of the Building Official of not less than Five Hundred and Ninety-two Dollars (\$592.00) per square metre excluding the land on which it stands.
- (c) Buildings which do not conform to the standards set in this bylaw may be moved if the owner:
 - i) first submits plans, acceptable to the Building Official showing the architectural and/or structural changes required in order to make the building conform to the standards set in this bylaw;
 - ii) provides a performance bond acceptable and payable to the District, in an amount equal to double the estimated cost of the architectural and structural changes required to make the building conform to the standards set in this bylaw. The said performance bond shall be forfeited to the District if the applicant fails or refuses to carry out the work required to make the building so conform within one (1) year from the date of application for permission to move the said building, and the Building Official shall give the owner or his agent thirty (30) days' notice to vacate the premises and to remove the building from the lot to which it has been moved, pursuant to the permission hereinbefore referred to.
- d) Should the owner or his agent fail to comply with the order of the Building Official, the District Council may, by resolution, order the demolition of such building at the expense of the owner thereof, and the cost of demolition may be recoverable by the District as per provisions of Section 258 of the *Community Charter*.
- e) No industrial or commercial building shall be moved into a Residential Zone and similarly no dwelling shall be moved into an area not zoned Residential.

15. Permits

- (a) A building, moving, demolition, fireplace and chimney permit shall be in the form prescribed from time to time by the District.
- (b) A plumbing permit shall be in the form prescribed from time to time by the District.
- (c) When:
 - i) a completed application including all required supporting documentation has been submitted;
 - ii) the proposed work set out in the application substantially conforms with the Building Code, this bylaw and all other applicable bylaws and enactments;
 - iii) the owner or his or her representative has paid all applicable fees set out in section 12(a) of this bylaw;

- iv) the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
- v) no enactment, covenant, agreement, or regulation in favour or, or regulation of, District authorizes the permit to be withheld;
- vi) the owner has retained a professional engineer or geoscientist if required by the District or the provisions of the Engineers and Geoscientists Act;
- vii) the owner has retained an architect if required by the District or the provisions of the *Architects Act*;

a Building Official shall issue the permit for which the application is made.

- (d) When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the owner provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed building:
 - ii) is covered by home warranty insurance, and
 - iii) the constructor is a licensed residential builder.
- (e) Section 15(b) of this bylaw does not apply if the owner is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the Homeowner Protection Act.
- (f) Every permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if:
 - i) the work is not started within six months from the date of issuing the permit;
 - ii) the work is substantially discontinued or suspended for a period of more than six months;
 - iii) the permit shall lapse in the event that either condition above is not met;
 - iv) an additional fee shall be paid if the permit is renewed as specified in the applicable schedule of the District of Port Hardy Rates Bylaw.
- (g) A Building Official may extend the period of time set out under sections 15(d)(i) and 15(d)(ii) where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.
- (h) 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 sufficient information has been provided to the District to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, 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.

- (i) When a site has been excavated and a subsisting building permit has expired in accordance with the requirements of section 15(d), but without the construction of the building or structure for which the building permit was issued having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the District to do so.

16. Disclaimer of Warranty or Representation

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

17. Professional Design and Field Review

- (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

Amended
Bylaw
1008-2013

- (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

Amended
Bylaw
1008-2013

18. Responsibilities of the Owner

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

19. Inspections

- (a) When a registered professional provides letters of assurance in accordance with sections 9(a)(x), 10(b)(v), 17(a) or 17(b) of this bylaw, the District will rely solely on field reviews undertaken by the registered professional and the letters of

assurance submitted pursuant to section 17(b) of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety.

- (b) Notwithstanding section 19(a) of this bylaw, a Building Official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- (c) A Building Official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.
- (d) For standard buildings, the owner or his or her representative shall give at least 48 hour's notice to the District when requesting an inspection and shall obtain an inspection and receive a Building Official's acceptance of the following aspects of the work prior to concealing it:
 - i) After the water, sanitary and storm sewer is connected at the street and under test but prior to covering;
 - ii) After the forms for footings and foundations are complete, but prior to placing of any concrete therein;
 - iii) After removal of form work from a concrete foundation, and after having submitted a survey certificate from a registered B.C. Land Surveyor, and installation of perimeter drain tiles and dampproofing, prior to backfilling;
 - iv) After rough-in underslab plumbing is completed and under test but prior to covering;
 - v) After rough in of factory built chimneys and fireplaces and wood burning appliances;
 - vi) After framing and sheathing of the building are complete, including firestopping, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
 - vii) After insulation and vapour barrier but before any interior finish is applied; and
 - viii) when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure.
- (e) No aspect of the work referred in section 19(d) of this bylaw shall be concealed until a Building Official has accepted it in writing.

- (f) The requirements of section 19(d) of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with sections 10(b)(v), 17(a) or 17(b) of this bylaw.
- (g) For complex buildings, the coordinating registered professional, or owner or his or her representative shall give at least one (1) working day's notice, and receive from the District a monitoring confirmation number, prior to proceeding beyond the following stages of construction:
 - i) After the water, sanitary and storm sewer, including site servicing and street connections, are completed and under test but prior to covering;
 - ii) After the forms for footings and foundations are complete, but prior to placing of any concrete therein;
 - iii) After removal of form work from a concrete foundation, and after having submitted a survey certificate from a registered B.C. Land Surveyor, and installation of perimeter drain tiles and dampproofing, prior to backfilling;
 - iv) After rough-in underslab plumbing is completed and under test but prior to covering;
 - v) After framing of the building are complete, including fire stopping, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
 - vi) After insulation and vapour barrier and fire stop systems but before any interior finish is applied; and
 - vii) when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure.
- (h) No aspect of the work referred in section 19(a) of this bylaw shall be concealed until approval has been granted by the applicable registered professional and the requirements of section 19(a) have been met.

20. Occupancy Permits

- (a) No person shall occupy a building or structure or part of a building or structure until an occupancy permit has been issued in the form prescribed from time to time by the District.
- (b) An occupancy permit shall not been issued unless:
 - i) all letters of assurance have been submitted when required in accordance with sections 9(a)(x), 10(b)(v), 17(a) and 17(b) of this bylaw.
 - ii) all aspects of the work requiring inspection and acceptance pursuant to section 19(d) of this bylaw have both been inspected and accepted.
 - iii) all aspects of the work requiring approval pursuant to section 19(g) of this bylaw has been provided.

- (c) A Building Official may issue an occupancy permit for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in section 20(b) of this bylaw have been met with respect to it.

21. Retaining Structures

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.

22. Fixtures

- (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.

Amended
Bylaw
1008-2013

23. Climatic Data

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

Amended
Bylaw
1008-2013

Design Temperature:

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

Precipitation:

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

Hourly Wind Pressures:

Probability 1/10.....	0.40 kPa
Probability 1/30.....	0.52 kPa

Seismic Data:

Sa(0.2).....	0.43
Sa(0.5).....	0.31
Sa(1.0).....	0.17
Sa(2.0).....	0.10
PGA.....	0.20

24. Schedule

Schedule "A" Deleted

Amended
Bylaw
1008-2013

25. Contraventions

- (a) Every person who fails to comply with any order or notice issued by a Building Official, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- (b) Stop Work Notice
 - i) A Building Official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a Stop Work notice in the form prescribed from time to time by the District.
 - ii) The owner of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a Building Official.
 - iii) Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.
- (c) Do Not Occupy Notice
 - i) Where a person occupies a building or structure or part of a building or structure in contravention of section 6(b) of this bylaw, a Building Official may post a Do Not Occupy notice in the form prescribed from time to time by the District on the affected part of the building or structure.
 - ii) The owner of property on which a Do Not Occupy notice has been posted, and every person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of the Building Code, this bylaw, have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a Building Official.

26. Penalties

- (a) Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- (b) Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of One Hundred Dollars (\$100), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

27. Severability

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

28. Repeal

District of Port Hardy Building Bylaw No. 09-2004 and all amendments is hereby repealed.

READ A FIRST TIME THE 14TH DAY OF JUNE, 2005.

READ A SECOND TIME THE 14TH DAY OF JUNE, 2005.

READ A THIRD TIME THE 14TH DAY OF JUNE, 2005.

ADOPTED THE 28TH DAY OF JUNE, 2005.

Original signed by:

DIRECTOR
OF CORPORATE SERVICES

MAYOR