



**DISTRICT OF HOPE**  
**BUILDING BYLAW NO. 972**

**(CONSOLIDATED TO JUNE 2024)**

**All persons making use of this consolidation are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only, and that the original bylaw and all amending bylaws must be consulted for all purposes of interpreting and applying the law.**

**Any parts of the original bylaw or original bylaw as amended and schedules which have been repealed have not been included in this consolidation.**

**SCHEDULE OF AMENDMENTS**

| <b>BYLAW</b> | <b>ADOPTED</b>   | <b>AMENDMENT</b>   |
|--------------|------------------|--|
| 1163         | January 10, 2006 | Deleted Schedules A, B, C, D, F and G; all references to these Schedules to be replaced with <i>“on a form prescribed by the Building Inspector in order to administer this bylaw”</i> |
| 1216         | March 12, 2007   | Deleted Schedule E   |
| 1584         | June 24, 2024    | Addition of Section 10.13 and Schedule A   |

# **BUILDING BYLAW**

## **NO. 972**

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# DISTRICT OF HOPE

## BYLAW NO. 972

*A bylaw to regulate the construction of works, buildings and structures.*

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WHEREAS the Municipal Act, RS 1996, c. 323 (the "Act") provides that the Council may, for the health, safety and protection of persons and property, by bylaw regulate in respect of the construction of works, buildings, and structures, including prescribing conditions generally governing the issue and validity of permits, inspection of works, buildings and structures and providing for the levying and collecting of permit fees and inspection charges;

AND WHEREAS the Act provides that the Council may exercise for all or part of the District of Hope the building regulation powers contained in the Act;

NOW THEREFORE the Council of the District of Hope, in open meeting assembled, hereby enacts as follows:

### 1. **INTERPRETATION**

#### 1.01 In this Bylaw:

"agent" means a person, authorized in writing by the owner, to represent the owner and includes a person, firm or corporation;

"assembly occupancy" means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink;

"building" means any structure used or intended for supporting or sheltering any use or occupancy;

"Building Code" means any regulation made by the Minister of Municipal Affairs, Recreation and Housing under Section 692 of the Act;

"building inspector" means a person appointed or authorized by the Council as a building inspector for the District of Hope;

"building permit" means that certain document authorizing construction, the form of which is set out on a form prescribed by the Building Inspector in order to administer this bylaw (**AM #1163**);

"construction" includes erection, repair, alteration, enlargement, placement, addition, demolition, removal of all buildings and structures except for single story accessory buildings less than 10m<sup>2</sup> total floor area, and excavation, but excludes repainting of exterior or interior surface, re-siding exterior walls and recovering of existing roofs;

"co-coordinating registered professional" means a registered professional retained under section 15.02 (a) (ii) to coordinate all design work and field reviews of the registered professionals required for the project;

"Council" means the governing and executive body of the District of Hope;

"District of Hope" means the District of Hope as incorporated under the Act or the geographical area within its boundaries, as the context requires;

"farm building" means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;

"farm Building Code" means the Canadian Farm Building Code, as issued by the Associate Committee on the National Building Code, National Research Council of Canada;

"field review" means a review of the work

- (a) at a project site of a development to which a building permit relates, and
- (b) where applicable, at fabrication locations where building components are fabricated for use at the project site

that a registered professional in his or her professional discretion considers necessary to ascertain whether the work substantially complies in all material respects with the plans and supporting documents prepared by the registered professional for which the building permit is issued;

"no occupancy notice" means a notice in writing, the form of which is set out on a form prescribed by the Building Inspector in order to administer this bylaw, issued by the building inspector which indicates that a building or part thereof is not authorized for occupancy (**AM #1163**);

"occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

"occupancy certificate" means that certain document authorizing occupancy, the form of which is set out on a form prescribed by the Building Inspector in order to administer this bylaw (**AM #1163**);

"owner" has the same meaning as that in the Act;

"public" means used for college, Court of Law, community centre, federal office, fire hall, jail, prison, library, municipal office, museum, park, playground, provincial office, public hospital, public school or similar purposes;

"registered professional" means

- (a) a person who is registered or licensed to practice as an architect under the Architects Act, or
- (b) a person who is registered or licensed to practice as a professional engineer under the Engineers and Geoscientists Act;

"security" means cash, certified cheque, or irrevocable letter of credit;

"stop work order" means a notice in writing, the form of which is set out on a form prescribed by the Building Inspector in order to administer this bylaw, issued by the building inspector requiring the immediate suspension of all construction of all or part of the building (**AM #1163**);

"structure" means any construction fixed to, supported by or sunk into land or water; and "value of construction" means the greater of the construction cost as calculated by the building inspector on Schedule G of the District of Hope Fees and Charges Bylaw, or a verified conformance with contract price for the completion of the construction. (**AM #1216**)

## **2. LIMITS ON NATURE OF THE DISTRICT OF HOPE ROLE**

2.01 Notwithstanding any provision in this or any other bylaw, neither

- (a) the issuing of a permit,
- (b) the submission of an application or the giving of an inspection notice by an owner or his agent, or
- (c) any other action whatsoever arising under this Bylaw,

obligates or imposes a duty on the District of Hope or the building inspector to inspect, to approve or to provide any other or further service of any kind.

2.02 The District of Hope, its officers, employees, agents and contractors shall not be liable for any direct or indirect loss, cost or damage, however occasioned, incurred by an owner or its officers, employees, agents or contractors, or any person taking under or from any of them, which arises in any way from any failure of the District of Hope or the building inspector to inspect, to approve or to provide any other or further service, or from the limited nature of the provision of such inspection, approval or other service, whether that failure or that limitation is

a result of lack of funds or personnel, a decision as to the allocation of resources, labour disturbances, actions of other government authorities, acts of God, or any other cause whatever which, in the sole opinion of the District of Hope or the building inspector, causes the District of Hope or the building inspector not to provide such services or to provide them in a limited manner.

2.03 This bylaw applies to all lands within the District of Hope.

### **3. FARM BUILDINGS**

3.01 Farm buildings shall conform to the requirements in the farm Building Code.

### **4. PROHIBITION**

4.01 Every person commits an offense contrary to the provisions of this bylaw who:

- (a) undertakes or authorizes any construction related to a structure or any work for which a building permit is required under article 12.01, unless:
  - (i) the building inspector has issued to that person a valid building permit, and
  - (ii) the person complies with article 13.01 of this bylaw as if that person were the owner;
- (b) does any work, or permits any work to be done, which contravenes:
  - (i) the Building Code;
  - (ii) any other applicable enactment respecting safety; or
  - (iii) a covenant registered pursuant to section 219 of the Land Title Act RS 1996, c. 250 against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act;
- (c) does any work, or permits any work to be done, that is at variance with the description, plans and specifications for the structure, work or thing which have been submitted in support of a building permit application and for which a building permit has been issued, unless such variance has first been approved by the building inspector;
- (d) does any work, or permits any work to be done, after:-
  - (i) a stop work order has been posted, or
  - (ii) a building permit has lapsed, or



- (iii) a building permit has been revoked;
- (e) occupies, uses, or permits to be used or occupied any building or part thereof:
  - (i) without a valid occupancy certificate or written permission of the building inspector, or
  - (ii) after a no occupancy notice has been issued by the building inspector;
- (f) prevents or obstructs or seeks or attempts to prevent or obstruct the entry of a building inspector administering or enforcing this bylaw;
- (g) unless authorized by the building inspector, reverses, alters, defaces, covers, removes or in any way tampers with any notice or certificate affixed to any structure pursuant to any provision of this bylaw;
- (h) in relation to an application for any permit under this bylaw, submits false or misleading information;
- (i) changes, or permits the changing of the use or occupancy of a building or part thereof unless the building inspector has issued to that person a valid building permit; or
- (j) contravenes any other provision of this bylaw.

## **5. PENALTIES**

- 5.01 Every person who commits an offense contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not more than \$2,000.00 or imprisonment for up to six months in addition to the costs of prosecution.
- 5.02 Each day that a violation is permitted to exist constitutes a separate offense.
- 5.03 Upon conviction, the Court may direct that no prosecution under article 5.02 of this bylaw may be made with respect to the continuance of the violation, for such period of time as the Court directs, and the Court may order the violator to remedy the violation.

## **6. DUTIES OF THE BUILDING INSPECTOR**

- 6.01 The building inspector shall keep records of any application received, permits and orders issued, inspections and tests made, and shall retain copies of all significant papers and documents connected with the administration of this bylaw, all for at least seven years.

## **7. POWERS OF THE BUILDING INSPECTOR**

- 7.01 The building inspector may enter upon any property or premises or any building or structure at all reasonable times for the purpose of administering or enforcing this bylaw, including without limitation for the purpose of ascertaining whether the regulations and provisions of this bylaw are being, or have been complied with.

## **8. STOP WORK ORDERS**

- 8.01 Where any structure, in whole or in part:

- (a) is being constructed in contravention of the Building Code or this or any other bylaw of the District of Hope;
- (b) is at variance with the description, plans or specifications for the structure which have been submitted in support of a building permit application;
- (c) is being constructed without a building permit having been issued by the building inspector and not having lapsed or been revoked; or
- (d) is being constructed in contravention of a covenant registered pursuant to section 219 of the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act;

the building inspector may issue a stop work order by causing notice of it to be attached to the structure or posted in a prominent position on the subject property requiring the immediate suspension of any construction and, for so long as a stop work order is in effect, no person shall work on that structure in contravention of the terms of the stop work order;

- 8.02 A stop work order notice shall not be lifted until the violation has been corrected.

## **9. NO OCCUPANCY NOTICE**

- 9.01 Where any structure:

- (a) for which a building permit has been issued in whole or in part:
  - (i) contravenes the health and safety requirements of the Building Code; or
  - (ii) contravenes the health and safety requirements of this or any other bylaw of the District of Hope or of any statute; or

- (iii) contravenes a covenant registered pursuant to section 219 of the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act; or
- (b) is being or has been constructed without a building permit having been issued by the building inspector;

the building inspector may issue a no occupancy notice by causing the notice to be attached to the structure or posted in a prominent position on the subject property, and for so long as a no occupancy notice is in effect, no person shall occupy that structure in contravention of the notice.

## 10. **BUILDING PERMITS**

### 10.01 Application for a Permit

The application for a building permit shall:

- (a) be made in the form set out on a form prescribed by the Building Inspector in order to administer this Bylaw (**AM #1163**);
- (b) be signed by the owner(s) or agent with identification of the signature clearly appended;
- (c) state the intended use of the work for which the building permit application is made, and the intended use of all the buildings and structures located on the parcel of land in respect of which the building permit application is made;
- (d) include as exhibits copies in triplicate of the specifications and scale drawings of the structure with respect to which the work is to be carried out, such specifications and drawings to contain complete design and calculation criteria, the name and address of the designer and the following information:
  - (i) the dimensions of the structure;
  - (ii) the proposed use of each room or floor area;
  - (iii) the dimensions of the parcel of land on which the structure is or is to be located, including its location in respect of the parcel boundaries;
  - (iv) the location, height and horizontal dimensions of all existing structures on the land;

- (v) driveway access and parking arrangements;
  - (vi) elevations, site drainage, parking arrangements and access for all commercial, industrial or multi-family residential construction;
  - (vii) the technical information specified in the Building Code and other parts of this bylaw required to be included on the drawings relating to those parts;
  - (viii) the location and size of every drain and of every trap or inspection piece that is on a drain;
  - (ix) in section the size and location of every soil or waste pipe, trap and vent pipe; and
  - (x) information illustrating all features of the design of the structure;
  - (xi) the location of any existing or proposed wells, septic tanks or fields and any other utilities or services on the parcel of land;
  - (xii) the design details and plan of any in-slab hydronic heating system as prepared in conformance with the RHWHA guidelines for the Design and Installation of Hot Water Heating Systems.
- (e) be accompanied by the applicable deposit in accordance with Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**);
  - (f) contain all other information necessary to establish compliance with the Building Code, this Bylaw, other bylaws of the District of Hope, and any covenant registered pursuant to section 219 of the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act;
  - (g) employ metric measurements for dimensions, specifications and scale drawings where such documents are required to be submitted.

#### 10.02 Applications for Buildings Requiring Specialized Technical Knowledge

Notwithstanding any other provisions of this bylaw, a professional engineer or architect registered in the Province of British Columbia shall prepare and sign all drawings, specifications for and plot plans of, and shall supervise construction of, any structure to be constructed the specifications of which are not governed by the provisions of the Building Code.

#### 10.03 Issuance of a Permit

Where the requirements of this bylaw have been met and:

- (a) an application has been made for a building permit;
- (b) the proposed work set out in the application conforms with this bylaw, all other bylaws of the District of Hope, and the Building Code;
- (c) the applicant for a building permit has paid to the District of Hope the fee calculated by the Building Inspector in accordance with Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**);
- (d) unless the proposed work is to be carried out on land serviced by the Municipal Sanitary Sewer System, within a month prior to the date of the application: i) either the Medical Health Officer appointed under the Health Act RS 1996, c. 179 for the area in which the subject of the application is or is to be located; or (ii) the Director of Waste Management appointed under the Waste Management Act RS 1996, c. 482 has issued a permit for sewage disposal for the work and the permit remains valid and subsisting;
- (e) the applicant has received a permit required under the Highway Act RS 1996, c. 188 for access to a controlled access highway, or the District of Hope Highway Access Bylaw for all other streets; and
- (f) the applicant has complied with any requirements of the building inspector under section 699 of the Act;

the building inspector may issue a building permit for which the application is made.

#### 10.04 Refusal of a Building Permit

Notwithstanding article 10.03 of this Bylaw, the building inspector may refuse to issue a building permit if in the opinion of the Building inspector:

- (a) the information submitted is inadequate to determine compliance with, or is contrary to the provisions of this bylaw, other bylaws of the District of Hope, the Building Code, or any covenant registered pursuant to section 219 of the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act;
- (b) the information submitted is incorrect or misleading;
- (c) issuance of the building permit is prohibited by, or contrary to any provision of another bylaw, statute or regulation;
- (d) the proposed work would contravene the provisions of a covenant registered pursuant to section 219 of the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act;

- (e) the design as submitted, or the designer in preparing, or submitting the design, may be, or may be acting contrary to this bylaw or another enactment; or
- (f) the circumstances described in article 10.08 apply.

#### 10.05 Lapse of a Permit

Every permit is issued on the conditions that:

- (a) the construction shall be commenced within six months after the date the permit was issued;
- (b) the work, once commenced, shall not be discontinued for a continuous period of more than twelve months; and
- (c) the permit shall lapse in the event and at the time that either condition above is not met or in any event twenty-four months after the date the permit was issued;

10.06 Notwithstanding the above, the time periods referred to in clauses (a) and (b) may be extended by written approval of the building inspector where the circumstances leading to the delay were beyond the control of the applicant. Such extensions of time shall not exceed totals of six months and twelve months respectively.

10.07 The building permit is deemed to be issued when dated and signed by the building inspector.

#### 10.08 Tests

The building inspector may revoke, or refuse to issue a building permit where the results of tests authorized or required under the Building Code indicate that materials, devices, construction methods, structural assemblies or foundation conditions do not provide the level of performance required by the Building Code.

#### 10.09 Renewal of a Permit

An applicant may apply for and the building inspector may issue a renewal of a building permit for a period of not more than twelve months, only if:

- (a) all applicable drawings and specifications are updated to comply with current regulations; and
- (b) an additional fee is paid as required under Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**).

10.10 A permit may be renewed only once under article 10.09.

10.11 Revoking a Permit

The building inspector may by delivery of a written notice of revocation to a permit holder revoke a building permit where:

- (a) there is a contravention of any term or condition under which the permit was issued;
- (b) there is a contravention of any provision of this Bylaw, other bylaws of the District of Hope, the Building Code, or any covenant registered pursuant to Section 219 of the Land Title Act against the property at issue pursuant to either Section 82 of the Land Title Act or Section 699 of the Act;
- (c) the permit was issued on the basis of incorrect or misleading information supplied by the owner or agent; or
- (d) the circumstances described in article 10.08 apply;
- (e) the permit was issued in error; or
- (f) without limiting article 10.11 (a), a permit described in article 10.03 (d) or (e) expires, is altered or revoked, or for any reason ceases to be valid and subsisting.

10.12 Refunds of Building Permit Fees

- (a) The portion of the building permit fee set out as item 3 of Schedule G of the District of Hope Fees and Charges Bylaw shall be the minimum building permit fee and shall not be refundable. **(AM #1216)**
- (b) The building permit fee required under article 10.03 (c) and set out in Schedule G of the District of Hope Fees and Charges Bylaw shall not be refunded in whole or in part if construction has been commenced in accordance with article 10.05 (a). **(AM #1216)**
- (c) On the lapse of a building permit under article 10.05 (c), if no construction has commenced in accordance with article 10.05 (a) the building inspector shall, on receipt of written request from the applicant, refund 50% of the fee paid in excess of the minimum non-refundable portion identified in article 10.12.

10.13

Due to water capacity infrastructure constraints that constitute a risk to public safety, no parcel in the subject areas shown on Schedule A will receive a building permit for a new residential unit that increases density on a parcel until the water infrastructure issue is resolved. (AM Bylaw 1584)

## **11. OCCUPANCY PERMIT**

11.01 No person shall occupy or permit the occupancy of a building before the building inspector has:

- (a) issued an occupancy permit for the building after construction authorized by the building permit is complete; or
- (b) given written permission for provisional occupancy if construction authorized by the building permit is not complete.

11.02 The building inspector may refuse to issue the occupancy permit or written permission for provisional occupancy if the building or part thereof:

- (a) contravenes the health and safety requirements of the Building Code;
- (b) contravenes the health and safety requirements of this or any other bylaw the District of Hope or of any statute;
- (c) contravenes a covenant registered pursuant to section 219 of the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act; or
- (d) has not been completed in substantial conformity with the plans and specifications submitted with the building permit application under article 10.01 (d).

## **12. DUTIES AND RESPONSIBILITIES OF OWNER**

12.01 Every owner of real property or his agent shall obtain from the building inspector a building permit before commencing any construction, works, or change in occupancy as described below:

- (a) the placing on any land of any manufactured or factory-built home or of any housing component or modular structure;
- (b) the erection of any sign or canopy;
- (c) the installation, alteration or repair of fencing around a swimming pool as required under article 18.01;
- (d) the installation, repair or alteration of any sewer, water or plumbing works or services;
- (e) any change in occupancy of a building or part thereof;



- (f) the installation of or repairs to chimneys and fireplaces, including freestanding fireplaces, stoves and solid fuel burning heaters;
- (g) any change in the kind of animals other than domestic pets housed in the building;
- (h) all other construction or repairs to a structure if the value of construction is \$2,000 or more or, in the case of a building to which the farm Building Code applies, if the value of construction is \$3,000.00 or more;
- (i) the removal or demolition of any structure; or
- (j) the installation, repair or alteration of gas or oil underground pipes and fittings, tanks, or pumps.

12.02 Every owner of real property or his agent as described in article 12.01 shall:

- (a) before conducting trade waste or the waste from plumbing fixtures to a public sewer:
  - (i) determine whether the waste may be discharged into the public sewer system and whether the public sewer system is at a sufficient depth and has a sufficient capacity to receive the discharge; and
  - (ii) arrange the plumbing to suit the location of the connection provided for the parcel by the District of Hope;
- (b) before connecting a structure to a building sewer extension, furnish to the building inspector information to prove that the proposed sewer will be laid at sufficient depth and in such a position as to connect the property to the building sewer extension;
- (c) obtain from the building inspector written permission before resuming construction which has been discontinued or suspended on any structure for a period of more than one year;
- (d) promptly deliver to the building inspector records of the results of any tests of materials, devices, construction methods, structural assemblies, and foundation conditions, where the tests are made to ensure conformity with the requirements of the Building Code or of this bylaw; and
- (e) when required by the building inspector, uncover and replace at the owners expense, any work that has been covered contrary to this bylaw or an order issued by the building inspector.

- (f) before pouring any concrete foundation wall but after the form work is erected promptly deliver to the building inspector a copy of a site certificate prepared by a British Columbia Land Surveyor indicating the location of the building on the lot and the elevation of the top of the concrete wall.
- (g) before demolishing a structure submit to the Building Inspector a completed application form of which is set out on a form prescribed by the Building Inspector in order to administer this bylaw (**AM #1163**);
- (h) Ensure that the confirmation of service disconnection has been made by all respect in utility companies before the application referred to above is submitted to the building inspector.

### **13. INSPECTIONS**

13.01 Every owner or agent to whom a building permit has been issued shall give a minimum of one full working days notice to the building inspector of their readiness for an inspection and must obtain an approval from the building inspector for each stage of construction set out in article 13.01 (a), (b) and (c).

- (a) for a farm building:
  - (i) before any concrete is poured, after the form work is completed and the reinforcing bars for the footings are in place.
  - (ii) if reinforcing bars are required by the designer, before any concrete is poured, and after the form work and reinforcing bars for the foundation walls are in place.
  - (iii) if the foundation is constructed of other than concrete, when the foundation all construction has commenced; and
  - (iv) after the building is complete, including all necessary bracing, bridging or ties;
- (b) for a structure other than a farm building:
  - (i) after the form work is completed and required reinforcing bars for the footings are in place, but before any concrete is poured;
  - (ii) if reinforcing bars are required by the designer, after the form work and reinforcing bars for the foundation walls are in place, and the site certificate referred to in article 12.02 (f) has been delivered to the Building Inspector but before any concrete is poured;

- (iii) after the perimeter drain tile is installed and the damp proofing has been applied, but before any backfilling is placed;
- (iv) after framing and sheathing of the building are complete, including fire stopping and bracing, but before any insulation, drywall or other interior or exterior finish is applied which would conceal the work;
- (v) after stucco lath is in place, but before the first coat of stucco is applied;
- (vi) before any basement flooring is placed;
- (vii) before any inside wall finish is commenced and after the plumbing system is complete;
- (viii) in the case of a masonry fireplace:
  - (a) after the smoke chamber is completed, but before the chimney above it is constructed; and
  - (b) after the chimney is completed in accordance with the Building Code;
- (ix) in the case of a free standing space heater, furnace, fireplace, stove or solid fuel burning heater, after the appliance is installed and the chimney is completed, all in accordance with the Building Code, but prior to any covering up which would conceal the required clearances;
- (x) before the interior finish is installed, after the insulation and vapour barrier have been installed;
- (xi) in the case of commercial or assembly occupancy, after any specialized apparatus and commercial equipment has been installed;
- (xii) in the case of commercial or assembly occupancy, after construction of all construction pursuant to the Building Code is complete;
- (xiii) before occupancy takes place, after construction of the structure or a portion thereof is complete and ready for occupancy; and
- (c) where applicable when demolition has been completed and the site has been left safe and tidy.

13.02 Every holder of a building permit shall give at least two business days notice to the building inspector:

- (a) prior to commencing construction on a building site;
- (b) before a drain or sanitary or storm sewer is covered; and
- (c) before covering any work that has been ordered to be inspected.

13.03 The building inspector may require a holder of a building permit to uncover any work which has been covered before it was inspected and approved by the building inspector where this bylaw requires the work to first be inspected and approved.

#### **14. DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR**

14.01 Every:

- (a) person who contracts with an owner of real property or agent of the owner to construct;
- (b) owner who contracts with more than one person to construct; or
- (c) owner who constructs;

shall:

- (d) ensure that all construction complies with:
  - (i) the Building Code; and
  - (ii) all health and safety requirements of this bylaw, other bylaws of the District of Hope, other applicable enactments, and any covenant registered pursuant to the Land Title Act against the property at issue pursuant to either section 82 of the Land Title Act or section 699 of the Act; and
  - (iii) the design, plans and specifications forming the basis of the building permit issuance;
- (e) ensure that all construction safety requirements of this bylaw are complied with; and
- (f) before starting or authorizing any construction or storage of material on any District of Hope property, obtain permission in writing from the building inspector.

## 15. PROFESSIONAL DESIGN AND REVIEW

### 15.01 General

- (a) The requirements of this section apply to an owner who applies for a building permit for:
  - (i) a building that falls within the scope of Part 3 of the Building Code;
  - (ii) structural components of buildings that fall within the scope of Part 4 of the Building Code;
  - (iii) a building that is designed with common egress systems for the occupants and requires the use of firewalls, according to subsection 2.1.7 of the Building Code;
  - (iv) construction which falls within the scope of Section 699 of the Act;
  - (v) construction of which the building inspector is aware requires professional design services under another enactment; or
  - (vi) construction which falls within the scope of article 10.02 of this bylaw.
- (b) Before an owner obtains a building permit from a building inspector, the owner shall:
  - (i) retain a coordinating registered professional to coordinate all design work and field reviews of the registered professionals required for the project in order to ascertain that:
    - (a) the design will substantially comply with the Building Code and other applicable enactments respecting safety; and
    - (b) the construction of the project will substantially comply with the Building Code and other applicable enactments respecting safety, not including the construction safety aspects; and
  - (ii) deliver to the building inspector letters in the forms set out in Schedules A, B-1 and B-2 to section 2.6 of the Building Code.
- (c) Before an owner obtains an occupancy permit from the building inspector, the owner shall deliver to the building inspector letters under article 15.01 (b) (ii) in the forms set out in Schedule C to section 2.6 of the Building Code.

15.02 Duties of Registered Professional

- (a) A registered professional, who signs a letter, the form of which is set out in a schedule under section 2.6 of the Building Code, and an owner who signs or has an agent sign a letter, the form of which is set out in a schedule under section 2.6 of the Building Code, shall comply with this section and the provisions of the letter that apply to the person signing.
- (b) A registered professional or coordinating registered professional who is responsible for a field review shall keep a record of the field review and of any corrective action taken as a result of the field review and shall make the record available to the building inspector on the request of the building inspector.
- (c) A registered professional who is retained to undertake design work and field reviews and who is required to provide letters pursuant to article 15.01 (b) (ii) shall:
  - (i) place his or her professional seal or stamp on the plans submitted by him or her in support of the application for the building permit, after ascertaining that they substantially comply with the Building Code and other applicable enactments respecting safety;
  - (ii) provide to the building inspector the letter referred to in Schedule C to section 2.6 of the Building Code after ascertaining that the components of the project for which the registered professional is responsible are constructed so as to substantially promptly, in all material respects with;
    - (a) the plans and supporting documents; and
    - (b) the requirements of the Building Code and other applicable enactments respecting safety, not including construction safety aspects; and
  - (iii) ensure that the field reviews that are necessary to comply with article 15.02 (c) (ii) are properly completed.

15.03 Duties on Termination of a Registered Professional or a Coordinating Registered Professionals

- (a) The owner and the coordinating registered professional shall each notify the building inspector of the date the coordinating registered professional ceases to be retained at any time during construction of the project.

- (b) The registered professional shall notify the building inspector of the date the registered professional ceases to be retained at any time during construction of the project
- (c) Notification under articles 15.03 (a) and (b) must be made before the coordinating registered professional or the registered professional ceases to be retained or, if that is not possible, then as soon as possible.
- (d) The owner must not terminate the appointment of a coordinating registered professional or a registered professional unless:
  - (i) the owner immediately replaces the coordinating registered professional or the registered professional; or
  - (ii) the owner has complied with article 15.01 (b) (ii) and article 15.01 (c) by delivering letters in the forms set out in Schedule A, B-1, B-2 and C to section 2.6 of the Building Code to the building inspector.

## **16. DOCUMENTS ON SITE**

- 16.01 Every person to whom a building permit is issued shall, during construction, keep on the property and in respect of which the building permit is issued:
- (a) the building permit or a copy of it posted in a conspicuous place;
  - (b) a copy of the approved drawings and specifications;
  - (c) the building permit site card issued by the District of Hope with the building permit, the form of which is set out on a form prescribed by the Building Inspector in order to administer this bylaw, posted in a location such that it is conspicuous from the road at all times (**AM #1163**); and
  - (d) a list showing the names of businesses and individual tradespersons responsible for carrying out works on the project.

## **17. MOVING BUILDINGS**

- 17.01 For the purposes of this section a "mobile home" means a building which was designed and manufactured in such a way as to facilitate periodic relocation and transportation by highway and was certified at its point of manufacture as conforming to CAN/CSA Z240 MH Series-as amended from time to time.
- 17.02 Where a building is a mobile home as defined in article 17.01, there shall be no special requirements under this bylaw for moving it.

17.03 Where a building is not a mobile home as defined in article 17.01, with the exception of:

- (a) premanufactured, assembled buildings which can be certified as complying with the Building Code; and
- (b) accessory buildings under 50 m<sup>2</sup> (538 sq. ft.) in area;

no person shall move any building or part thereof from any parcel of land to a parcel of land located in the District of Hope.

17.04 Notwithstanding article 17.03, if:

- (a) the building is used or intended for use as a residence, the value of the building as determined by a qualified appraiser will be and, upon completion of the installation be equivalent in value to at least 85% of the average value of all existing residences within 300 metres; and
- (b) the building or part thereof will upon its completion conform with the requirements of the Building Code; and
- (c) the owner has paid to the District of Hope:
  - (i) the fee prescribed in item 1 of Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**);
  - (ii) the fee to move a building or structure from one parcel of land to another parcel of land within the District of Hope as prescribed in item 4 of Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**); or
  - (iii) the fee to move a building or structure into the District of Hope from outside the District of Hope as prescribed in item 5 of Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**);
  - (iv) posted security with the building inspector to ensure the restoration of the former site, where such site is located within the District of Hope, and to ensure completion of the exterior finish of the building on the foundation on the new site, as prescribed in item 6 of Schedule G of the District of Hope Fees and Charges Bylaw (**AM #1216**);
- (d) the owner has given the building inspector proof that:
  - (i) the owner moving the building is licensed to and has previously moved buildings and carries public liability and property insurance in the amount of not less than \$3,000,000; and



- (ii) the District of Hope has been named in this insurance policy as an additional insured in respect of any liability that may arise in relation to the moving of the building or the District of Hope's exercise of powers under this bylaw or another enactment.
  - (e) the building inspector may issue a building permit authorizing moving of the building, either into or within the District of Hope;
- 17.05 If any person to whom a building permit is issued for the purpose of moving a building fails to complete the remedial works required for the restoration of the former site, where such site is located within the District of Hope and to complete the exterior finish of the foundation on the new site within twelve months after the date the permit is issued, the building inspector may deliver a written notice directing the owner to remedy the non-compliance within thirty days after the date of notice.
- 17.06 If the non-compliance under article 17.05 is not remedied within the period of thirty days, the District of Hope may draw on the security posted under article 17.04 and may enter on the land on which the building is located and remedy the non-compliance.
- 17.07 Nothing in this section removes the requirement under this bylaw to obtain a separate building permit before construction of a foundation or other works related to the proposed building move.

## **18. FENCING OF SWIMMING POOLS**

- 18.01 Swimming pools shall be enclosed within a fence. The fence shall be not less than 1.1 metres in height, with no openings greater than 10 cm in their least dimension. Access through the fence enclosing the swimming pool shall be by means of a self-closing gate only. The gate and fence shall be designed so as to cause the gate to return to a locked position when not in use. The gate shall be secured by a spring lock which can be opened on the swimming pool side only. For the purpose of this section, "swimming pool" shall include any constructed or prefabricated pool used or intended to be used for swimming, bathing or wading, having a surface area greater than 13.9 m<sup>2</sup> and a depth greater than 0.46 metres.

## **19. CLIMATIC DATA**

- 19.01 Data for the design of a structure in the District of Hope shall be as established by Chapter 1 of the Supplement to the National Building Code of Canada, 1990 (as amended), entitled "Climatic Information for Building Design in Canada" being NRCC No. 30629.

## **20. CORRECTION OF VIOLATION**

20.01 Where:

- (a) a written notice of any violation of the provisions of this bylaw relating to a structure has been given to the owner or his or her agent by the building inspector; or
- (b) any order directing the cessation of any work upon the structure has been issued by the building inspector;

the building inspector shall not issue any permit for the construction, moving or occupancy of the structure until:

- (c) the violations under this bylaw have been corrected; and
- (d) all works in connection with the structure comply with the requirements of this bylaw.

## **21. REFERENCED DOCUMENTS**

21.01 In the case of any conflict between the provisions of this bylaw and those of documents incorporated by reference or referred to in this bylaw, other than the Building Code, the provisions of this bylaw govern.

## **22. SEVERABILITY**

22.01 If any article, section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, it shall be severed from the bylaw and the decision shall not affect the validity of the remainder of the bylaw.

## **23. SCHEDULES**

23.01 On a form prescribed by the Building Inspector in order to administer this bylaw (**AM #1163**) and Schedule G of the District of Hope Fees and Charges bylaw (**AM #1216**).

## **24. REPEAL**

24.01 The District of Hope Building Bylaw No. 16/93 and all amendments thereto, is hereby repealed.

**25. NAME**

25.01 This bylaw may be cited as "Building Bylaw No. 972."

Read a first time this 12th day of May, 1997.

Read a second time this 12th day of May, 1997.

Read a third time this 12th day of May, 1997.

Adopted this 26th day of May, 1997.

*"Wilfried Victor"*

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Mayor

*"Eric McMurrin"*

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Clerk

**Schedule A**

(AM Bylaw 1584)

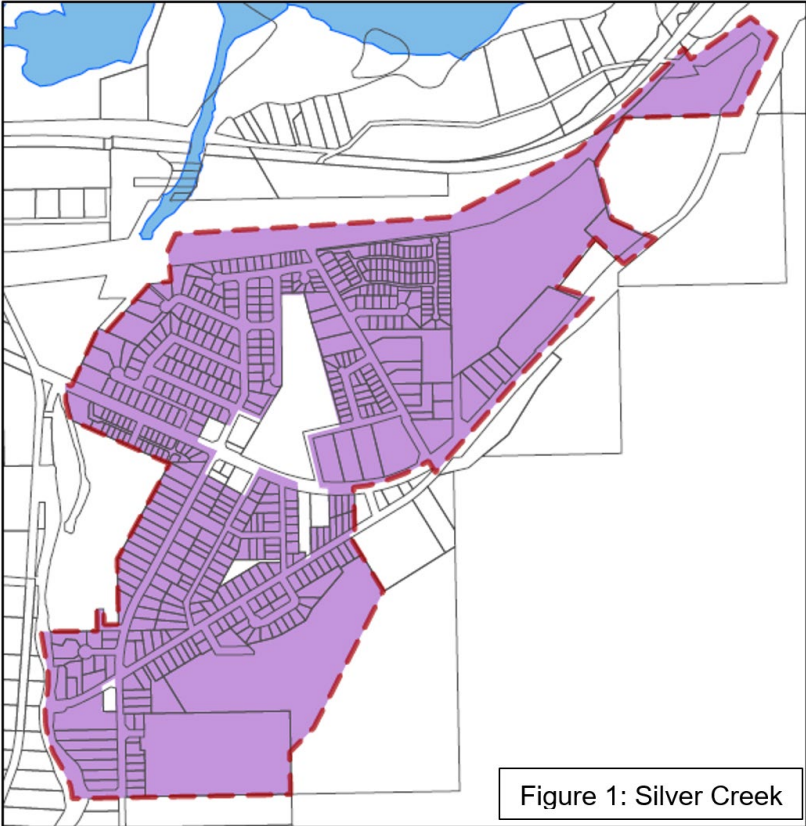


Figure 1: Silver Creek

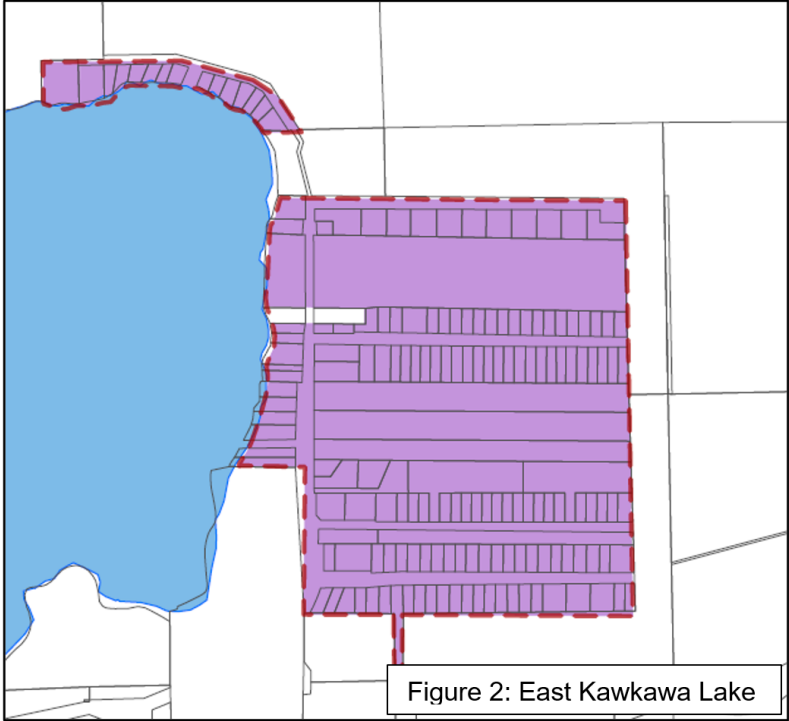


Figure 2: East Kawkawa Lake