

DISTRICT OF UCLUELET
CONSOLIDATED BUILDING CODE BYLAW

A bylaw to provide for the administration of the Building Code

Consolidated to include Building Code Bylaw No. 882, 2002, Building Code Amendment Bylaws No. 913, 2003; No. 917, 2003; No. 957, 2004, No. 1017, 2006; No. 1057, 2007; No. 1075, 2008; No. 1101, 2009

WHEREAS section 694 (1) of the *Local Government Act* authorizes the District of Ucluelet, 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 Ucluelet, in open meeting assembled, enacts as follows:

1. Title

1.1 This bylaw may be cited for all purposes as the "District of Ucluelet Building Bylaw No. 882, 2002".

2. Definitions

2.1 In this bylaw:

The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998: assembly occupancy, building, building area, building height, business and personal services, occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.

Building Code means the *British Columbia Building Code 1998* as adopted by the Minister pursuant to section 692 (1) of the *Local Government Act*, as amended or re-enacted from time to time.

Building Official means a Building Official employed or contracted by the District to administer this bylaw.

Bylaw Enforcement Officer means the person appointed by the District of Ucluelet Council to enforce the District of Ucluelet bylaws. (Bylaw No. 957)

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 storeys 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.

District means the District of Ucluelet.

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the *Building Code*.

Standard Building means buildings of three storeys or less in building height, having a building area not exceeding 600 square meters and used for major occupancies classified as

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

Structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 meters in height.

3. Purpose of Bylaw

- 3.1 This bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 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 spot check 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
 - 3.2.1 to the protection of owners, owner/builders or constructors from economic loss;
 - 3.2.2 to the assumption by the District or a Building Official of any responsibility for ensuring the compliance by any owners, his or her representatives or any

employees, constructors or designers retained by him or her, with the Building Code, the requirements of this bylaw or other applicable enactments respecting safety;

- 3.2.3 to providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this bylaw;
- 3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the District is free from latent, or any defects.
- 3.2.5 to providing to any person a warranty that construction is in compliance with the Building Code, this bylaw or any other enactment with respect to a building or structure for which a building permit or occupancy permit is issued under this bylaw.

4. Permit Conditions

- 4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the 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 the Building Code, the requirements of this bylaw or other applicable enactments respecting safety applicable to the work.
- 4.3 It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the Building Code, this bylaw and other applicable enactments respecting safety.
- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the 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.

5. Scope and Exemptions

- 5.1 This bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation, change of occupancy and occupancy of existing buildings and structures.
- 5.2 This bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein; to retaining

structures less than 1.5 meters in height; or to minor repairs or alterations which do not alter a structural component of the building or structure.

6. Prohibitions

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation or change the occupancy of any building or structure, unless a Building Official has issued a valid and subsisting permit for the work.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 No person shall do any work that is substantially at variance with the approved design, plans or specifications of a building, structure or other works for which a permit has been issued, unless that variance has been accepted in writing by a Building Official.
- 6.6 No person shall obstruct the entry of a Building Official or other authorized official of the District on property in the administration of this bylaw.

7. Building Officials

- 7.1 Each Building Official may
 - 7.1.1 administer this bylaw;
 - 7.1.2 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 microfilm copies of such documents.
 - 7.1.3 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 substantially conform to the requirements of the Building Code.
- 7.2 A Building Official

- 7.2.1 may enter any land, building or premises at all reasonable times to ascertain whether the requirements of this bylaw are being met and its regulations are being observed;
 - 7.2.2 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
 - 7.2.3 shall carry proper credentials confirming his or her status as a Building Official.
- 7.3 A Building Official may order the correction of any work that is being or has been done in contravention of this bylaw.
- 7.4 If the cessation of work has been ordered under section 20 of this bylaw, a Building Official may authorize the work to continue when the contravention has been corrected.

8. Applications

- 8.1 Unless exempted by section 5.2 of this bylaw, a person shall apply for and obtain:
- 8.1.1 a building permit before constructing, repairing or altering a building or structure;
 - 8.1.2 a moving permit before moving a building or structure;
 - 8.1.3 a demolition permit before demolishing a building or structure;
 - 8.1.4 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 included in a valid and subsisting building permit.
- 8.2 An application for a permit required under this bylaw shall be made in the form provided by the District.
- 8.3 All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.
- 8.4 Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee calculated as prescribed in Schedule "B" to this bylaw.
- 8.5 The value of a building or structure, for the purposes of calculating the applicable fee prescribed in Schedule "A", shall be calculated according to the formulae prescribed in Schedule "B".

9. Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a complex building shall
- 9.1.1 be made in the form provided by the District, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
 - 9.1.2 be accompanied by the owner's acknowledgment of responsibility and undertakings made in the form provided by the District, signed by the owner, or a signing officer if the owner is a corporation;
 - 9.1.3 include a copy of a title search made within 3 days of the date of the application;
 - 9.1.4 include a site plan prepared by a British Columbia Land Surveyor showing:
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.4.2 the legal description and civic address of the parcel;
 - 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 9.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 9.1.4.5 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;
 - 9.1.4.6 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
 - 9.1.4.7 the location, dimension and gradient of parking and driveway access;
 - 9.1.4.8 The Building Official may waive the requirements for a site plan, in whole or in part, where the permit sought is for the repair or alteration of an existing building or structure.
 - 9.1.5 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.

- 9.1.6 include a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - 9.1.7 include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - 9.1.8 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
 - 9.1.9 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - 9.1.10 include a letter of assurance in the form of the Schedule A referred to in section 2.6.2.1 of Part 2 of the Building Code and contained in Part 2, signed by the owner, or a signing officer of the owner if the owner is a corporation, and the coordinating registered professional.
 - 9.1.11 include letters of assurance in the form of the Schedules B-1 and B-2 referred to in section 2.6.2.1 of Part 2 of the Building Code and contained in Part 2, each signed by such registered professionals as the Building Official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure;
 - 9.1.12 include two copies of specifications and two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 9.1.5 – 9.1.8 of this bylaw;
 - 9.1.13 state the intended use or uses of each building or structure.
- 9.2 In addition to the requirements of section 9.1, 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:
- 9.2.1 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;

- 9.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
- 9.2.3 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.

10. Applications for Standard Buildings

- 10.1 An application for a building permit with respect to a Standard Building shall
 - 10.1.1 be made in the form provided by the District, signed by the owner, or a signing officer if the owner is a corporation;
 - 10.1.2 be accompanied by the owner's acknowledgment of responsibility and undertakings made in the form provided by the District, signed by the owner, or a signing officer if the owner is a corporation;
 - 10.1.3 include a copy of a title search made within 3 days of the date of the application;
 - 10.1.4 include, unless waived at the discretion of the Building Inspector, a site plan prepared by a British Columbia Land Surveyor showing:
 - 10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 10.1.4.2 the legal description and civic address of the parcel;
 - 10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 10.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 10.1.4.5 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;
 - 10.1.4.6 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
 - 10.1.4.7 the location, dimension and gradient of parking and driveway access;

- 10.1.4.8 The Building Official may waive the requirements for a site plan, in whole or in part, where the permit sought is for the repair or alteration of an existing building or structure.
- 10.1.5 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.
- 10.1.6 include a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 10.1.7 include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.8 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
- 10.1.9 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 10.1.10 include a foundation design prepared by a registered professional in accordance with section 4.2 of Part 4 of the Building Code, accompanied by letters of assurance in the form of the Schedules B-1 and B-2 referred to in section 2.6 of Part 2 of the Building Code and contained in Part 2, signed by the registered professional, unless:
 - 10.1.10.1 the requirements of section 10.1.10 are waived by a Building Official because the Building Official required a professional engineer's report pursuant to section 699 (2) of the Local Government Act and the building permit is issued in accordance with sections 699 (5) and (6) of the Local Government Act, or
 - 10.1.10.2 documentation, prepared and sealed by a registered professional, is provided certifying that the foundation design substantially complies with section 9.4.4 of Part 9 of the Building Code and the foundation excavation substantially complies with section 9.12 of Part 9 of the Building Code.
- 10.1.11 include two copies of specifications and two sets of drawings at a suitable scale (is this correct?) of the design including the information set out in sections 10.1.5 – 10.1.8 and 10.1.10 of this bylaw.

- 10.1.12 state the intended use or uses and the value of each building or structure.
- 10.1.13 applications for standard buildings must include a site plan defining an enclosed area attached garage or ancillary building for the purpose of storage for garbage and/or garbage receptacles. (Bylaw No. 1017)
- 10.1.14 Applications for complex buildings such as multi-family residential, tourist accommodation, commercial, industrial, manufactured home parks and institutional must include a site plan defining an animal proof enclosure, attached garage, or accessory building for the purpose of storage for garbage and/or garbage receptacles. (Bylaw No. 1057)
 - 10.1.15 all enclosures and/or buildings used for the purposes of garbage and/or garbage receptacle storage must meet the District of Ucluelet Garbage Collection and Regulation Bylaw requirements. (Bylaw No. 1017)
- 10.2 In addition to the requirements of section 10.1, the following may be required by a Building Official to be submitted with a building permit application for the construction of a Standard building where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:
 - 10.2.1 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;
 - 10.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 10.2.3 a roof plan and roof height calculations;
 - 10.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - 10.2.5 10.2.5 letters of assurance in the form of the Schedules B-1 and B-2 referred to in section 2.6 of Part 2 of the Building Code and contained in Part 2, signed by the registered professional;
 - 10.2.6 any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

11. Professional Plan Certification

- 11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred to in section 2.6 of Part 2 of the Building Code and contained in Part 2, and provided pursuant to sections 9.1.11, 10.1.10, 10.2.5, and 15.1 of this bylaw 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.
- 11.2 A building permit issued for the construction of a complex building, or for a Standard building for which a Building Official required professional design pursuant to section 10.2.4 and letters of assurance pursuant to section 10.2.5 of this bylaw, shall be in the form provided by the District.
- 11.3 A building permit issued pursuant to section 11.2 of this bylaw shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.
- 11.4 When a building permit is issued in accordance with section 11.2 of this bylaw the permit fee shall be reduced by 5% of the fees payable pursuant to Schedule "A" to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

12. Fees and Charges

- 12.1 In addition to applicable fees and charges required under other bylaws, a permit fee, prescribed and calculated in accordance with Schedule "A" to this bylaw, shall be paid in full prior to the issuance of any permit under this bylaw.
- 12.2 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.3 The owner may obtain a refund of the permit fees prescribed in Schedule "A" to this bylaw when a permit is surrendered and cancelled before any construction begins, less a 25% administration fee.
- 12.4 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 prescribed in Schedule "A" to this bylaw shall be paid prior to additional inspections being performed.
- 12.5 For a required permit inspection requested to be done after the hours during which the offices of the District are normally open, an inspection charge shall be payable as prescribed in Schedule "A" to this bylaw.

13. Building Permits

- 13.1 When
- 13.1.1 a completed application, including all required supporting documentation, has been submitted;
 - 13.1.2 the owner or his or her representative has paid all applicable fees prescribed under section 12.1 of this bylaw;
 - 13.1.3 the owner or the owner's representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
 - 13.1.4 no enactment, covenant, agreement, or regulation favouring or enacted by the District authorizes the permit to be withheld or prevents it from being issued;
 - 13.1.5 the proposed work set out in the application appears to substantially conform to the Building Code, this bylaw and all other applicable bylaws and enactments respecting safety;
 - 13.1.6 the owner has retained a professional engineer or geoscientist if required by the *Engineers and Geoscientists Act*;
 - 13.1.7 the owner has retained an architect if required by the *Architects Act*;
- a Building Official shall issue the permit for which the application is made.
- 13.2 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 of compliance with the Homeowner Protection Act.
- 13.3 Every building permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if: (Bylaw No 1017)
- 13.3.1 the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
 - 13.3.2 work is discontinued for a period of 6 months.
- 13.4 A Building Official may extend the period of time set out under sections 13.3.1 and 13.3.2 where construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.
- 13.5 A Building Official may issue an excavation permit in the form provided by the District prior to the issuance of a building permit.
- 13.6 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 appears to substantially comply 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.

- 13.7 When a site has been excavated under an excavation permit issued pursuant to section 13.5 of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.2, 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.

13.8 Temporary Shelter During Construction

- (a) A recreational vehicle, trailer, or camper may be used as a temporary shelter on a parcel on which a principal building for the purpose of a single family dwelling unit or duplex dwelling units are being constructed where authorized by endorsement on the building permit;
- (b) Use of a temporary shelter under paragraph (a) is not to exceed the lesser of:
 - (i) one year from the date of issuance of the building permit; or
 - (ii) fifteen days following issuance of an occupancy permit for the dwelling unit.
- (c) It shall be a condition of a building permit endorsed to allow a temporary shelter that:
 - (i) a temporary shelter use expires on the dates referred to in paragraph (b);
 - (ii) the owner of the parcel has deposited with the District a letter of credit, cash or certified cheque in the amount of \$2,500.00 as security for the removal of the temporary shelter; and
 - (iii) the owner actively proceeds with the construction of the building for which the permit is issued.
- (d) If, following expiry of the time limit in paragraph 13.8(b) the

temporary shelter continues to be used for residential purposes, the District may cause the temporary shelter to be removed at the expense of the owner of the land and may deduct the cost to the District of doing this from the security deposited under paragraph (c)(ii) together with the sum of \$500.00 to reimburse the District for its administrative costs.

- (e) Subject to paragraph (d) the District must return the security deposit under paragraph (c)(ii) to the owner following the cessation of use of the temporary shelter.
- (f) After the return of the security under paragraph (e) the owner shall not recommence or permit another person to commence use of the temporary shelter for a residential purpose.
- (g) The endorsement for a temporary shelter during construction may not be renewed or extended, as it is the owner's responsibility to use the maximum one year allowed effectively.

14 Disclaimer of Warranty or Representation

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

15. Professional Design and Field Review

- 15.1 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 to provide design and plan certification and field review supported by letters of assurance in the form of the Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the Building Code and contained in that Part.
- 15.2 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 10.1.10, 10.2.5 or 15.1 of this bylaw, the owner shall provide the District with letters of assurance in the form of the Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the Building Code and contained in that Part.

- 15.3 When a registered professional provides letters of assurance in accordance with sections 9.1.11, 10.1.10, 10.2.5, 15.1 or 15.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the Building Official in the form of provided by the District.

16. Responsibilities of the Owner

- 16.1 Every owner shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 16.2 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 and may be required to provide to the District the damage deposit prescribed by Schedule "A" prior to the issuance of the permit, if the nature of the construction poses a risk to the integrity of municipal works in the vicinity of the construction under the permit.
- 16.3 Every owner to whom a permit is issued shall, during construction:
- 16.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 16.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 16.3.3 post the civic address on the property in a location visible from any adjoining streets.

17. Inspections

- 17.1 When a registered professional provides letters of assurance in accordance with sections 9.1.11, 10.1.10, 10.2.5, or 15.1 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 15.2 of this bylaw as certification that the construction substantially conforms to the design, plans and specifications and that the construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 17.2 Notwithstanding section 17.1 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.
- 17.3 In addition to the inspections required under section 17.4, a Building Official may attend 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 those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.

- 17.4 The owner, or the owner's representative, shall give at least 24 hours 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 them:
- 17.4.1 installation of perimeter drain tiles and damp-proofing, prior to backfilling;
 - 17.4.2 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - 17.4.3 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - 17.4.4 the framing and sheathing;
 - 17.4.5 insulation and vapour barrier;
 - 17.4.6 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.
- 17.5 No aspect of the work referred in section 17.4 of this bylaw shall be concealed until a Building Official has accepted it in writing.
- 17.6 The requirements of section 17.4 of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with sections 9.1.11, 10.1.10, 10.2.5, 15.1 or 15.2 of this bylaw.

18. Occupancy Permits

- 18.1 No person shall occupy a building or structure or part of a building or structure or change the class of occupancy of a building or structure until an occupancy permit has been issued in the form provided by the District.
- 18.2 An occupancy permit shall not be issued unless:
- 18.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 10.1.10, 10.2.5, 15.1 and 15.2 of this bylaw, or
 - 18.2.2 all aspects of the work requiring inspection and an acceptance pursuant to section 17.4 of this bylaw have been inspected and accepted.
- 18.3 A Building Official may issue an occupancy permit for part of a building or structure when that part of the building or structure is self-contained,

provided with essential services and meets requirements set out in section 18.2 of this bylaw.

19. Retaining Structures

- 19.1 A registered professional shall supervise the design and 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 by the Building Official.

20. Demolition Permits (Bylaw No. 1017)

- 20.1 Every demolition permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if demolition has not taken place within 6 months from the date of issuance.
- 20.2 All materials existing on the site as a result of the demotion must be removed from the site of demolition with thirty(30) days following the demolition.

21. Penalties and Enforcement

- 21.1 Every person who violates any of the provision of this bylaw, or who suffers of permits any act or thing to be done in contravention of this bylaw, is liable on summary conviction to a fine of not more than \$10,000 (Ten thousand dollars) and costs including the costs of the committal and conveyance to the place of imprisonment for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offense. (Bylaw No. 957)
- 21.2 A person who fails to comply with an order or notice issued by a Building Official or who allows a violation of this bylaw to continue, despite that order or notice, commits an offence.
- 21.3 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 on the site of the work.
- 21.4 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.
- 21.5 Where a person occupies a building or structure or part of a building or structure in contravention of section 6.2 of this bylaw a Building Official may post a Do Not Occupy notice on the affected part of the building or structure.

- 21.6 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 and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a Building Official.
- 21.7 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.
- 21.8 In the event that any individual disagrees with the Building Inspector's application of this bylaw, such person can, within thirty days, submit a written appeal to the District of Ucluelet Mayor & Council for review. Council's decision shall be final. (Bylaw No. 957)
- 21.9 No person shall prevent or obstruct or attempt to prevent or obstruct, the Bylaw Enforcement Officer or any other employee of the Municipality authorized to enforce the provisions of this bylaw. (Bylaw No. 957)
- 21.10 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.

22. Bylaw Enforcement Officer (Bylaw No. 957)

- 22.1 For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;
- a. Bylaw Enforcement Officer for the District of Ucluelet
 - b. Building Inspector for the District of Ucluelet
 - c. Chief Administration Officer for the District of Ucluelet
- 22.2 The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions prescribed in this bylaw are carried out.

23. Ticketing

- 23.1 Tickets issued for offences against this bylaw shall be in accordance with Schedule "c", attached hereto and forming part of this bylaw. (Bylaw No. 957)

24. Severability

- 24.1 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw. (Bylaw No. 957)

25. Repeal Bylaws

25.1 District of Ucluelet Building Bylaw No. 728, 1996 and any amendments thereto are hereby repealed in their entirety.

Consolidated Building Code Bylaw

SCHEDULE "A" FEE SCHEDULE

1. Building Permit Damage Deposit \$1,000.00

A damage deposit fee of \$1000.00 is required at the discretion of the Public Works Superintendent. An undated cheque is required at the time of payment for the Building Permit Fee.

2. Building Permit Fees

(a) The fees payable for a permit for construction, addition, extension, alteration and repair of any building or any other work requiring a permit and not specifically listed here shall be as follows: (Bylaw No. 917)

Proposed Value of Work:

(i) Up to \$1,000 \$50.00

for each additional \$1,000 or fraction thereof \$ 7.00

(b) When a permit is issued pursuant to this Bylaw, but construction has not commenced, 75% of the permit fee may be refunded to the applicant upon application for the cancellation of the permit and no refund in the amount of less than \$25.00 shall be made.

3. Where the District relies under Section 11 of this bylaw on Professional Plan Certification in issuing a Building Permit, the fees payable for a Building Permit shall be reduced in accordance with section 11.4.

4. The Building Permit Fees prescribed in item 2 of this Schedule are based on the value of the construction authorized by the permit. These values are to be determined according to the Valuation Schedule prescribed by Schedule "B" of this bylaw.

5. Demolition Permit Fee

(a) To demolish an existing building or structure \$35.00

6. Building Moving Permit Fee

(a) To move a building to a new location \$50.00
plus fee for total value of works to rehabilitate the structure.

7. Solid Fuel Burning Appliance Fee

\$50.00 (includes one call back or re-inspection if necessary)

8. **Re-inspection Fee** \$35.00
9. **After Hours Inspection Fee** - \$50.00 per hour; two (2) hour minimum charge.

Consolidated Building Code Bylaw Amendment No. 913, 2003
BYLAW NO. 1075, 2008

SCHEDULE "B"

VALUATION SCHEDULE

1. Single Family Dwelling

The estimated value of the proposed work is the estimated value of construction as determined in accordance with the Marshal & Swift "Marshall & Swift Valuation Service" or "Residential Cost Handbook" using "average" quality of construction.

2. Other construction as follows:

(a) Commercial Buildings (Owner Built) - the estimated value of the proposed work is the estimated value of construction as determined in accordance with the Marshal & Swift "Marshall & Swift Valuation Service" or "Residential Cost Handbook" using "average" quality of construction.

(b) Commercial Buildings (Contractor built) Contract Value

(c) Pools Contract Value
(Including required fencing)

Bylaw Amendment No. 1017, 2006

**Schedule "C"
Fines & Penalties**

Offence	Section	Fine – 1st Offence	Fine – 2nd & Subsequent Offences
No Building Permit	6.1, 8.1.1	\$200.00	\$400.00
No Moving Permit	6.1, 8.1.2	\$150.00	\$300.00
No Demolition Permit	6.1, 8.1.3	\$150.00	\$300.00
No Fireplace/chimney permit	6.1, 8.1.4	\$100.00	\$200.00
Tamper with Notice/Certificate	6.4	\$250.00	\$500.00
Submit permit application with fraudulent information	6.4	\$250.00	\$500.00
Work Contrary to Plans	6.5	\$100.00	\$200.00
Failure to Obtain Inspections/Approvals	17	\$100.00	\$250.00
Failure to Obtain Occupancy Permit	6.2, 18.1	\$100.00	\$200.00
Fail to Comply with an order or notice issued	21.2	\$250.00	\$500.00
Fail to Comply With Stop Work Order	21.4	\$250.00	\$500.00
Failure to comply with Do Not Occupy Notice	21.6	\$250.00	\$500.00
Obstruction of Building Inspector or Bylaw Enforcement Officer	6.6, 21.9	\$500.00	\$1000.00
Fail to remove materials from demolition site within thirty (30) days	20.2	\$250.00	\$500.00