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THE CORPORATION OF THE CITY OF PENTICTON

BUILDING BYLAW

NO. 94-45

Consolidated for convenience only.

Amended by Bylaw 2012-5033, September 17, 2012
Amended by Bylaw 2012-5038 – December 17, 2012
Amended by Bylaw 2013-5044 – February 4, 2013

THE CORPORATION OF THE CITY OF PENTICTON

BUILDING BYLAW NO. 94-45
(Amended by Bylaws 2001-28, 2001-34, 2003-51, 2005-69)

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SCHEDULE "A"	

THE CORPORATION OF THE CITY OF PENTICTON

BUILDING BYLAW NO. 94-45

BEING A BYLAW TO PROVIDE FOR THE ADMINISTRATION
AND REGULATIONS OF THE BUILDING CODE WITHIN THE
CITY, AND TO REGULATE BUILDING AND DEVELOPMENT IN
GENERAL IN RESPECT TO THOSE MATTERS NOT INCLUDED
THE BUILDING CODE

PART 1 ENABLING LEGISLATION

- 1.1 The Corporation of the City of Penticton Building Bylaw #94-45.
- 1.2A Bylaw of The Corporation of the City of Penticton to provide for the administration and regulations of the Building Code within the City, and to regulate building and development in general in respect to those matters not included in the Building Code.
- 1.3 The Council of The Corporation of the City of Penticton in open meeting assembled hereby enacts as follows.
- 1.4 This Bylaw may be cited for all purposes as "City of Penticton Building Bylaw No. 94-45 (1994)".

PART 2 DEFINITIONS

- 2.1 Definitions of words and phrases used in this bylaw shall be as defined in the Building Code, with the alterations and additions set out in Section 2.2;
 - 2.1.1 Words and phrases which are not defined shall have the meaning which are commonly assigned to them in the context in which they are used in this Bylaw and the Building Code, taking into account the specialized use of terms with the various trades and professions to which the terminology applies;
- 2.2 The words and phrases in this bylaw have the following meanings:

"accepted drawings" means all drawings and plans accepted by the Chief Inspector as being in compliance with this bylaw and the Building Code upon issuance of a Permit; neither the granting of the permit or the acceptance of drawings and plans in any way relieve the owner from full responsibility for carrying out the work in accordance with the requirements of this bylaw and the building Code.

"agent" means includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor who may be granted a permit for work within the limitation of his or her licence.

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

"building code" means the British Columbia Building Code current edition as adopted by the Minister pursuant to Section 692 (1) of the *Local Government Act*, as amended or re-enacted from time to time.

"chief inspector" means the person appointed from time to time by the Council of the City of Penticton as Chief Inspector and include any assistant Inspectors.

"city services or property" includes all water, sanitary, storm, electrical, services, curbs, sidewalk crossovers, boulevards, pavements, and appurtenances therein and thereon.

"completion certificate" means a certificate or inspection form showing that the work as authorized by the permit is substantially completed and there are no apparent substantive deficiencies except as noted, but does not imply or certify compliance with the Building Code.

"complex building" means all buildings used for major occupancies classified as:

- Assembly occupancies;
- Care or detention occupancies;
- High hazard industrial occupancies; and

All buildings exceeding 600 square meters in building area or exceeding three storeys in building height used for major occupancies classified as:

- Residential occupancies;
- Business and personal services occupancies;
- Mercantile occupancies;
- Medium and low hazard industrial occupancies.

"construct" includes construction and occupancy of new buildings and the alterations, reconstruction, demolition, removal, relocation and occupancy of existing buildings.

"construction" includes construction and occupancy of new buildings and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings.

"construction costs" means the current estimated construction costs. The current edition of the Marshall Valuation Services, the Marshall and Swift Residential Cost Handbook or other valuation tables may be used by the Chief Building Inspector to determine the market value for the purpose of assessing Permit fees. Construction costs shall include:

- Plans, surveys, third party inspections;
- All materials and labour;
- Normal site prep including finish grading and excavation for foundation and back fill structures only;
- Utilities from structure to lot line; and
- Contractor's fees.

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

"occupancy permit" means a permit issued to establish the use and classification of occupancy group and division as it pertains to the Building Code, but does not imply or certify compliance with the Building Code.

"owner" means the person(s) or organization listed as the title holder on a property's legal certificate of title.

"permit" means a permit issued by the Chief Inspector authorizing construction as regulated by this Bylaw.

"private pool" includes any artificial pool in which the depth of the water could attain at least 600 mm (1.968 ft.) but does not include public pools.

"retaining wall" means a structure constructed to hold back, stabilize or support an earthen bank.

"secondary suite" means a self-contained accessory dwelling unit located within a single detached house which has one or one or more habitable rooms (used or intended for use as a residence by one or more persons living as a single family unit), with self-contained sleeping, living, cooking, and sanitary facilities, and direct access to the open air, without passing through any part of the principal residence.

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

- Residential occupancies;
- Business and personal services occupancies;
- Mercantile occupancies; and
- Medium to low hazard industrial occupancies.

PART 3 ADMINISTRATION

3.1 The Chief Inspector administers this bylaw, and

- (a) is hereby authorized to enter, at all reasonable times, upon any property subject to the provisions of this bylaw;

- (b) keeps records of applications received, accepted drawings, the Permits, orders issued, the inspections and tests made, and retains pertinent papers and documents connected with this bylaw;
- (c) issues permits when to the best of his knowledge, the application meets the conditions as set forth in this bylaw or any other applicable bylaw.

3.2 The Chief Inspector may

- (a) (i) authorize the Fire Chief of the City of Penticton and any fire inspector appointed by him to be a building inspector of:
 - (a) stoves, ranges and space heaters burning solid fuels
 - (b) combustion air for same
 - (c) fireplace inserts
 - (d) chimney flues
 - (e) chimney lining and flue pipes for existing buildings
- (ii) for the purpose of this section, "existing building" means a building that has a completion certificate, occupancy permit or was constructed and completed prior to adoption of this bylaw.

* (b) issue Completion of Construction Certificate for a single family dwelling, prior to completion, but such issuance, shall not in any way relieve the owner from full responsibility for ensuring that the design, construction and occupancy is in accordance with the terms of the permit and the Building Code;

* (c) issue an Occupancy Permit, but such issuance, shall not in any way relieve the owner from full responsibility for ensuring that the design, construction and occupancy is in accordance with the terms of the permit and the Building Code;

(d) issue an Occupancy Permit prior to completion of construction provided the owner or his agent provides a bond equal to the cost of all remaining requirements of the Zoning Bylaw where weather conditions prevent completion of same;

(e) refuse a Building Permit application where there is insufficient information as required under Part 7.

3.3 The Chief Inspector may

- (a) direct the immediate cessation or correction of all or any portion of the work on any building by attaching a notice to that effect upon such building, whenever such construction is to the best of his knowledge not in conformance with:

- (i) any condition under which the permit was issued,
 - (ii) any provision of any other applicable bylaw, and
 - (iii) any provision of the Building Code;
- (b) post a Notice of Deficiency by affixing to the offending building such notice, which may only be removed by the Chief Inspector, upon correction of the deficiency.

* SEE EXPLANATORY MATERIAL

- (c) revoke any permit issued where there is a violation of:
- (i) any condition under which the permit was issued,
 - (ii) any provision of any other applicable bylaw,
 - (iii) any provision of the Building Code,
 - (iv) any permit issued in error,
 - (v) any permit issued on the basis of incorrect information submitted;
- (d) direct that tests of materials, equipment devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner or agent, where such evidence or proof is necessary to determine whether the materials, equipment, devices, construction or foundation conditions meet the requirements of this bylaw;
- (e) answer such relevant questions as may be reasonable with respect to the provisions of this bylaw requirements when requested to do so but, except for standard design aids, shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant;
- (f) direct:
- (i) the removal of any unauthorized encroachment on City property,
 - (ii) the removal of a building or part thereof constructed in contravention of this Bylaw,
 - (iii) the cessation of any occupancy in contravention of this bylaw,
 - (iv) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed,
 - (v) the correction of any unsafe condition
 - (vi) installation of guard rails on retaining walls that are not part of a building structure in multi family development, and
 - (vii) that all fire alarm systems are required to comply with installation and verification standards of the British Columbia Building Code. (#91-64)

3.4 The Chief Inspector may:

- (a) issue a permit for the construction of a phase of a building before the

entire plans and specification for the whole building have been submitted, provided that adequate information and detailed statements have been filed showing compliance with the pertinent requirements of this bylaw. The issuance of the permit, notwithstanding the requirements of this bylaw, apply to the remainder of the building, as if the permit had not been issued.

- (i) where a permit has been issued for the construction of a phase of a building the owner or his agent must obtain a permit for the remainder of the whole building for which the phase permit was issued within 6 months of the issuance of the first phase permit, and each permit is therein subject to provisions of section 7.2 of this bylaw.
- (b) subject to any other bylaw, issue a permit for the erection or placement of a temporary building, if to the best of his knowledge the building is safe for the stated occupancy. The maximum duration of such a permit shall be six months after the date of issuance and after such time the permit is null and void. A temporary building shall be removed prior to the six month expiration, unless the Chief Inspector approves an extension of the permit.
- (c) accept as evidence of equivalent performance to the B.C. Building Code of any material, appliances, systems and equipment listed by Canadian Construction Materials Centre.
- (d) accept drawing and issue a building permit indicating that the City of Penticton is relying on a certification of compliance and
 - (i) that the architect or engineer is registered under Provincial Legislation and the architect or engineer certifies that the plans comply with the current edition of the B.C. Building Code; and
 - (ii) the municipality will indicate, in writing, to the applicant that the City has relied on the certification and will reduce the fee by the amount specified in Schedule H, Part 7 of the Fees and Charges Bylaw 2012-5015.

PART 4 CODE DOES NOT APPLY

4.1 The Building Codes does not apply to:

- (a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way;
- (b) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
- (c) flood control and hydro electric dams and structures;

- (d) mechanical or other equipment and appliances not specifically regulated in these requirements;
- (e) accessory buildings not greater than 10 m² in building area that do not create a hazard;
- (f) factory built housing and components certified prior to placing on site under C.S.A. A277-M1981 procedures for certification of factory built houses, which conform with the requirements of the Code, or CAN/CSA Z240 MH series M86 MOBILE HOMES, but this exception does not extend to on site preparations including foundations, basements, mounting, interconnection of modules, connection to services and installation of appliances or other components; and
- (g) temporary buildings including construction site offices, seasonal storage facilities, special events facilities, emergency facilities, and similar structures.

PART 5 REGULATE CONSTRUCTION

5.1 The British Columbia Building Code as adopted pursuant to Part 21, Division 5 of
*the Municipal Act shall form the regulations for construction and fire limits within the City of Penticton including regulations for:

* SEE EXPLANATORY MATERIAL

- (a) the paving of driveways or parking lots, including that portion of the City boulevard;
- (b) the erection of any retaining wall over 1.2 meters in height;
- (c) designated storm disposal system;
- (d) use of any City sidewalk as pertaining to Part 8 of the Building Code;
- (e) provision of an automatic sprinkler system on each floor of any building over six (6) stories in height, installed in accordance with requirements of the National Fire Protection Association Standard 13 as referenced in the B.C. Building Code.

5.2 Precautions Against Fire

- (a) For the purpose of regulating the construction of buildings within the City of Penticton for precautions against fire all multiple residential occupancies over two stories in height and as defined in City of Penticton Zoning Bylaw No. 87-65 are designated as a Fire Limit Area pursuant to Section 734(1)(c) of the Municipal Act.

- (b) All automatic sprinkler systems shall comply and be installed in accordance with the requirements of the National Fire Protection Association 13 and 13(R) and amendments thereto.

5.3 Secondary Suites

Building permits are required for the creation of secondary suites within a single dwelling and must conform to the City's Zoning Bylaw and Building Code.

PART 6 PERMITS REQUIRED

6.1 Except as permitted in 6.2, no building or part of a building shall be constructed, altered, reconstructed, demolished, removed, relocated, occupied, or a change in class of occupancy take place; or

- (a) the paving of any driveway or parking lot, including any portion of the City boulevard; or
- (b) the erection of any retaining wall over 1.2 meters in height; or
- (c) the fencing of a prospective private pool; or
- * (d) a change in occupancy of a building or part thereof

* SEE EXPLANATORY MATERIAL

- (e) the use of any City sidewalk
- (f) the erection of an overhead crane;

until a permit has been first obtained pursuant to this bylaw.

6.2 Storage and garden sheds for residential use not exceeding 9.5 square metres in total area may be erected without a permit, but such buildings must comply with all other applicable bylaws.

PART 7 CONDITIONS OF PERMITS

7.1 PERMIT APPLICATION

7.1.1 Every application for a permit shall:

- (a) be made on the prescribed form;
- (b) be signed by the owner or his agent;

- (c) include the legal description and civic address of property;
- (d) show all pertinent information to City of Penticton Zoning Bylaw;
- (e) state the valuation of the proposed work;
- (f) include when required, plans showing:
 - (i) north arrow
 - (ii) the intended use and occupancy of each room or floor area
 - (iii) the dimensions of the lot or where the building(s) are to be located
 - (iv) a current and legal survey of the property when required
 - (v) the consolidation of properties when applicable
 - (vi) the location and elevation of the proposed building(s) by dimension from the property lines
 - (vii) the location of every other adjacent existing building(s) on the property by dimensions from the property line and other building(s)
 - (viii) the dimensions of all building(s) and of all rooms and spaces
 - (ix) all required and existing services including
 - (a) water
 - (b) sanitary sewer (including where permitted, septic tanks and fields)
 - (c) storm sewer (or proposed storm water disposal system)
 - (d) electrical
 - (e) access and egress driveway and sidewalk crossovers
 - (f) nearest existing fire hydrant(s)
 - (x) the detail and description of
 - (a) materials, system and equipment
 - (b) structural requirements
 - (c) doors
 - (d) windows and skylights
 - (e) stairs, ramps, handrails and guards
 - (f) means of egress
 - (g) fire protection
 - (h) sound control
 - (i) excavation details
 - (j) waterproofing, dam proofing
 - (k) drainage
 - (l) footings and foundations
 - (m) slab on ground
 - (n) columns
 - (o) crawl spaces
 - (p) roof spaces
 - (q) above grade masonry
 - (r) chimneys and flues

*

- (s) fireplaces
- (t) the details and description of the walls, post beams, insulation, vapour barriers, roofing, siding, interior finishes and flooring

* SEE EXPLANATORY MATERIAL

- (u) plumbing facilities
- (v) ventilation
- (w) heating and air conditioning
- (x) any and all other information necessary to establish compliance with this bylaw, and other bylaws of the City of Penticton

(xi) information including, but not limited to

- (a) building size determination;
- (b) building requirements for persons with disabilities;
- (c) climatic data
- (d) plans, specifications and calculations;
 - (i) site plans
 - (ii) fire protection components
 - (iii) structural and foundation drawings and specifications
 - (iv) heating, ventilating and air conditioning drawings and specifications
- (e) materials, appliances, systems and equipment;
- (f) equivalents;
- (g) review of
 - (i) construction
 - (ii) shop drawings
 - (iii) workmanship and materials
 - (iv) off-site construction

(xii) for the demolition of a building or part thereof

- (a) detail of the method of removal or disconnection of all building services;
- (b) detail of the method of foundation removal or back filling;
- (c) any other information as deemed necessary to illustrate all essential features of the demolition;

(xiii) when relocating a building, in duplicate

- (a) drawings for the designation of the proposed siting and

- legal description of the land from which the building is being moved and being placed;
 - (b) the intended occupancy of the building;
 - (c) detailing method of removal or disconnection of building services; and
 - (d) detailing the services to be connected.
- (xiv) when erecting an overhead crane which swings over City Property and/or adjacent private property:
- (a) submit a Crane Permit Application
 - (b) submit verification of approvals for the crane to project over adjacent private property; and
 - (c) provide an executed copy of a Certificate of Insurance in a form and amount acceptable to the Chief Inspector, in compliance with the Crane Permit Application.
- (g) pay minimum non-refundable application fee.
- 7.1.2 Whenever the character of the proposed construction requires technical knowledge, the Chief Building Inspector may require in addition to the above, all drawings, specifications and plans to be sealed by a registered Architect and/or Professional Engineer, and may also require the construction to be carried out under the supervision of a registered Architect and/or a Professional Engineer. Any Registered Professional required by this Bylaw shall provide proof of Professional Liability Insurance. The aforementioned insurance shall be in a form and with insurers acceptable to the Chief Inspector and evidence of Renewal and Notice of Termination shall be provided to the City not less than thirty (30) days prior to the expiry dates or cancellation of the policies as the case may be.
- 7.1.3 Where driveways or parking lots are paved, all storm water must be retained on site and connected to a public storm sewer or if approved connected to a drainage drywell of a standard in City of Penticton Bylaw #88-47.
- 7.1.4 A registered professional must undertake the design and conduct field reviews of the construction or structural repair of a retaining wall over 1.2m in height. Sealed copies of the design plan and letters of assurance prepared by the registered professional for all retaining walls must be provided by the registered professional for all retaining walls.
- 7.1.5 No property shall be graded so as to allow the surface drainage to flow onto any adjoining property or City property.

7.1.6 Show all details for sidewalk use.

7.1.7 Conditions of Permits, as follows:

- (a) A building permit application must include, in the case of every building subject to Part 3 of the Building Code and every building subject to Part 9 of the Building Code if the Chief Building Official requires it, fire flow calculations prepared in accordance with subsection c.
- (b) Except as noted in (e) below, in all cases where the fire flow calculation indicates a higher fire flow than that specified in Table 3.2 of the Subdivision and Development Bylaw 2004-81 for the OCP land use designation applicable to the land being developed, the design of the building must be altered to reduce the fire flow requirement to a level equal to, or lesser than those specified in the Table 3.2.
- (c) Fire Flow calculations shall be based on accepted methodologies such as those referred to in the British Columbia Building Code, and those published by the National Fire Protection Association (NFPA), or Canadian Insurers and Underwriters such as the Fire Underwriters Survey (FUS) or the insurance Services Office (ISO). The calculations shall be dated, signed and sealed by a Professional Architect or Engineer, qualified to practice in the field of fire protection and registered in the Province of British Columbia.
- (d) The Chief Building Official may require fire flow calculations prepared in accordance with subsection c. in the case of a proposed change in use and occupancy of an existing building, and a building permit or business license for the proposed use or occupancy may be refused if the fire flow requirements exceed those specified in Table 3.2.
- (e) The Developer/Owner of a Commercial or Industrial Development in an Agricultural area may, if the fire flow calculated is in excess of 60l/s, have to provide an alternative water supply (*See British Columbia Building Code 2006, Division B – Appendix A, Section A-3.2.2.7 (1).*)

7.2 A Permit shall be cancelled if:

- (a) Except as stated in 7.2(c) the first required inspection of the construction pursuant to article 7.4.1 of this bylaw or as identified with the issuance of the permit has not occurred within six (6) months of the date upon which the permit is issued;
- (b) Except as stated in 7.2(c) all required inspections pursuant to articles 7.4.1(a), 7.4.1(b) or as identified with the issuance of the permit and the issuance of an occupancy permit pursuant to subsections 6.1 and 9.1(q) of this bylaw have not occurred within two (2) years from the date upon which the permit was issued. The Chief Inspector may upon receiving a written request for an extension of the permit from the

owner or his agent:

- (i) approve an extension of the permit for up to twelve (12) months from the date upon which the permit was issued if the request is received within two (2) years from the date upon which the permit was issued;
 - (ii) approve an extension of the permit for up to twenty four (24) months from the date upon which the permit was issued if the request is received within two (2) years from the date upon which the permit was issued for buildings over ten (10) stories in height or over 4,700m² in floor area.
- (c) The final inspection pursuant to demolition permits as per subsection 7.1.1(xii) of this bylaw have not occurred within three (3) months from the date upon which the permit was issued, the Chief Building Official may upon receiving a written request for an extension of the permit from the owner or his agent;
- (i) approve an extension of the permit for up to six (6) months from the date the permit was issued if the request is received within three (3) months upon which the permit was issued.

7.2.1 (a) One month prior to the cancellation of a building permit under this section the Chief Inspector shall notify, in writing, the owner and his agent of the pending permit cancellation. Upon cancellation of the building permit the Chief Inspector shall notify, in writing, the owner and his agent of the cancellation.

(b) Where any permit becomes cancelled pursuant to this section, the owner or his agent shall ensure that all construction or work for which the permit was issued is ceased. Prior to any further work or construction occurring, the owner or his agent must re-apply for and obtain a new permit for the construction and pay the permit fees applicable at the time of the re-application, and the new permit shall be subject to the bylaws and regulations that are current at the time of issuance of the new permit.

7.2.2 When an owner or his agent has made an application for permit pursuant to this bylaw and the permit has not been issued within six (6) months from the date upon which the application was received, the application shall be deemed withdrawn and such application shall be cancelled and the owner or agent must re-apply for such permit, unless the issuance of the permit is dependent solely on the issuance of a related permit or other authorization by the City.

7.3 Neither the granting of a permit nor the acceptance of the drawings, plans or specifications or inspections made by the Building Inspector, shall in any way relieve the owner or his agent from full responsibility for carrying out or having the construction carried out in accordance with the requirements of this bylaw or the Building Code.

7.3.1 Information submitted for a permit may be provided to the public after the permit is issued unless specifically requested that it be kept private.

7.4 INSPECTIONS

7.4.1 The owner or his agent, contractor or sub-contractor shall be jointly responsible for calling for inspections.

- * (a) On new single family dwellings:
 - (i) after forms for footings are completed, but prior to placing any concrete therein;
 - (ii) after damproofing, but prior to backfilling;
 - (iii) after all rough-in plumbing, but prior to covering;
 - (iv) after completion of framing, but prior to installation of insulation and vapour barrier;
 - (v) after installation of all insulation and vapour barrier, but prior to covering; and
 - (vi) after completion of all work, but prior to occupancy.
- * (b) On all buildings other than new single family dwellings, inspection requirements will be included with the issuance of the permit.

7.4.2* Where an Architect or a Professional Engineer is registered to practice in British Columbia and is engaged by the owner for the design and inspection of the construction of the building, a certificate of compliance with this bylaw and the Building Code may be accepted in lieu of inspections.

* SEE EXPLANATORY MATERIAL

PART 8 CITY SERVICES

8.1 The owner, his agents, contractor or sub-contractor, shall:

- (a) be jointly responsible for the cost of all repairs to any City property that is necessary as a result of construction undertaken pursuant to the permit;
- (b) not allow any materials, structures, objects, or substances to be placed on City property without prior approval of the Public Works Manager, except as permitted under 6.1 (e);
- (c) in the areas where the construction of a building is of a lower elevation than the City streets adjoining the property, the building must be constructed so as to prevent any surface drainage from the streets, boulevard or City property to enter the carport, garage or any other area of the building or property that could be damaged by such surface drain

- (d) obtain approval of the Public Works Manager for all access and egress driveway(s) and sidewalk(s) and crossover(s) prior to obtaining a permit;
 - (e) where it is proposed to conduct waste to a sanitary sewer or surface or roof water to a storm sewer, ensure that such service is of sufficient capacity to receive such discharge, and also arrange the connection to suit the location and depth of the connection provided to the property by the City.
- 8.2 Design and install water meter(s) in accordance with the City of Penticton Bylaw #88-47.
- 8.3 Extend the sewer cleanout at property line to finish grade.

PART 9 RESPONSIBILITY OF OWNER

- 9.1 The Owner, his agents, contractor, and sub-contractor shall be jointly responsible to ensure all construction is carried out in accordance with the requirements of this bylaw and the Building Code, and shall,
- (a) pay the prescribed fee as set out in the City's Fees and Charges bylaw and the inspection fee prescribed in the Subdivision and Development Bylaw 2004-81 where Part 18 Services are provided. The construction costs for building permit fees will be established as outlined in Schedule "A" attached to and forming part of this bylaw.
 - (b) if any construction, other than site work for: site investigation, staging materials, setting up a construction shack(s), minor equipment placement erection for site fencing and excavation in accordance with a duly issued Earthworks Permit, for which a permit is required by this bylaw has been commenced before a permit was obtained, in addition to any other penalties, shall pay double the permit fee prescribed in the City's Fees and Charges Bylaw, provided, however, the maximum additional fee shall not exceed \$2,000.00 for Standard Building Applications or shall not exceed \$10,000.00 for Complex Building Applications.
 - (c) obtain all permits or approvals for each building or structure to be constructed on a site which requires a separate permit and shall permit be assessed a separate fee based on the construction cost of that building or structure, prior to commencing the work to which they relate.

* SEE EXPLANATORY MATERIAL

- (d) post in a conspicuous place, the permit on the property in respect of which the permit has been issued;

- (e) keep a copy of all accepted drawings and specifications on the property in respect of which the permit has been issued;
- (f) submit a building location certificate prepared by a B.C. Land Surveyor or a site improvement certificate prepared by an Applied Science Technician or Technologist with certification in site improvement surveys, after the installation of the foundations and prior to commencement of framing of a building or structure provided however the said building location certificate or the said site improvement certificate is not required where the building or structure, as indicated on the plans submitted for the permit, has a setback that is a minimum of 1.2 meters greater than the setback that is required under the City of Penticton Zoning Bylaw 2011-23, as amended from time to time.
 - (i) the issuance of a building permit under this bylaw shall not in any way relieve the owner or his or her representatives from full and sole responsibility to determine that the location of the Building(s) and or structures(s) to be constructed on the property does not encroach upon adjoining properties or to ensure compliance with the setback requirement so the Zoning Bylaw.
 - (ii) where a building location certificate or site improvement certificate is not required under this bylaw, this exception shall not in any way constitute a representation, warranty, assurance or statement that the building(s) and or structure(s) to be constructed on the land complies with the setback requirements of the Zoning Bylaw or does not encroach upon any of the adjoining properties.
 - (iii) no person shall rely upon the issuance of a building permit under this bylaw as establishing compliance with this Bylaw or the Zoning Bylaw or assume or conclude this Bylaw or the Zoning Bylaw has been administered and enforced according to its terms. The person to whom the Building Permit is issued and his or her representatives are responsible for making such determination. (2003-51)
- (g) when required by the Building Inspector, provide and post on the property a list of all sub-contractors working on the building site;
- (h) give at least forty-eight hours notice by telephone to the Chief Inspector of the intention to start construction on the building site;
- * (i) give at least twenty-four hours notice by telephone to the Chief Inspector for all inspections;

- (j) uncover and replace at his own expense any work that has been covered prior to inspection;
- (k) not do any construction or continue to do any construction upon a building contrary to the provision of this bylaw, the Building Code or a notice from the Chief Inspector directing cessation of construction except for the correction of any non complying portion of the construction;
- (l) not do any construction that is at variance with the drawing, plans or specifications of the building for which the permit has been issued, unless such changes have been accepted in writing by the Chief Inspector;
- (m) not make any changes to the drawings, plans or specifications for which the permit has been issued, unless such changes have been accepted in writing by the Chief Inspector;
- (n) give notice in writing to the Chief Inspector of any change in:
 - (i) the contractor in charge
 - (ii) the architect or engineer in charge
 - (iii) the architect or engineer reviewing the workor the termination of any of the above.
- (o) prior to any change in ownership of a building or property notify the Chief Inspector in writing of such changes;
- (p) prior to occupancy, post a Completion Certificate in a location approved by the Chief Inspector.

* SEE EXPLANATORY MATERIAL

- (q) not occupy or permit the occupancy of a building, or part thereof until there has been an Occupancy Permit issued therefore;
- (r) not fill or excavate any portion of the property unless such fill or excavation is properly maintained by a retaining wall or other acceptable method;
- (s) not allow surface water to drain onto adjoining property or City property;
- (t) correct any unsafe condition.
- (u) maintain insurance in compliance with the Crane Permit until the project is complete and/or crane removed or if permit conditions can not be met, immediately remove the crane;

- (v) ensure a valid Building Permit exists while the crane is in place. Upon expiration, cancellation or failure to obtain a Building Permit, immediately remove the crane.
- (w) Ensure that for demolition permits:
 - (i) Provisions for public safety as regulated under Part 8 of the Building Code are provided;
 - (ii) A copy of the Worksafe BC Notice of Project is provided to the Inspector prior to commencement of demolition;
 - (iii) All debris is disposed of at a site that is registered and approved by the City;
 - (iv) The site shall be left free of waste, dirt stock piles and debris upon completion for the project;
 - (v) Remaining concrete slabs are to be brown cleaned as after debris is removed;
 - (vi) The site is final graded so as to ensure any water will not flow away onto an adjacent property and not pool on the property location;
 - (vii) Remaining foundations shall be verified by a structural engineer for lateral loading and future use and be secured in a manner to prevent entry.

PART 10 PRIVATE POOLS

- 10.1 The owner, his agents, contractor, sub-contractor or occupiers of lands on which a private swimming pool is to be constructed shall provide fencing from the outside grade of not less than 1.2 m (3.94 feet) in height. Access to said swimming pool shall be equipped with a self-closing gate so designed and installed as to cause the gate to return to a locked position when not in use.
- 10.2 The owner or occupier of lands on which hot tubs and spas when installed outside a building shall be protected by a guard as described within the B.C. Building Code to prevent access by unauthorized children or to be protected by a cover.
- 10.3 The owner or occupier of lands on which a private pool has been constructed shall not fill the pool until all requirements of 10.1 have been completed.

PART 11 MOBILE HOME PARKS

- 11.1 Mobile home parks shall be constructed and laid out as specified in City of Penticton Mobile Home Park Bylaw #3635, 1978 and shall provide all facilities specified in the bylaw.

PART 12 CERTIFICATION OF MOBILE HOMES

- 12.1 All mobile homes placed within the City of Penticton shall comply with CSA A277 - M1981 or CAN CSA Z240 M H SERIES M86 standards.

PART 13 OCCUPANCY PERMITS/COMPLETION CERTIFICATE

- 13.1* Prior to occupancy of a building or a part thereof after construction, wrecking, altering or moving, or a change in class of occupancy of a building or a part thereof, an occupancy permit must be obtained when required.
- 13.2 The occupancy permit may be withheld until the building or a part thereof complies with the health and safety requirements of this bylaw or other applicable bylaws.
- 13.3 Prior to occupancy of a building or a part thereof after construction, wrecking, altering or moving, or a change in class of occupancy of a building or part thereof, a completion certificate must be obtained, when required.
- 13.4 The completion certificate may be withheld until the building or part thereof complies with the requirements of this or any other applicable bylaws.

PART 14 GEOTECHNICAL CONDITIONS

- 14.1* Where the Chief Inspector considers that construction would be on land that is subject or likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, he may require the owner of the land to provide him with a report certified by a Professional Engineer with experience in geotechnical engineering that the land may be used safely for the use intended;
- 14.1.2 For the purpose of this part "Construction" means new construction of a building or structure, or the structural alteration of or addition to an existing building or structure, but does not include the repair of an existing building or structure;
- 14.1.3 Where a professional Engineer with experience in geotechnical engineering determines that land may not be used safely for the use intended, the Building Inspector shall refuse to issue a Permit.
- 14.1.4 Where a Professional Engineer with experience in geotechnical engineering determines and certifies that land may be used safely for the use intended, subject to conditions contained in his report with respect to:
- (a) the citing, structural design and maintenance of building, structures or works;
 - (b) the maintenance of planting of vegetation;
 - (c) the placement and maintenance of landfill; or
 - (d) other conditions respecting the safe use of the land, buildings, structures or works, the Building Inspector may issue a Permit on the

condition that:

- (i) the registered owner of the land covenants with the City to use the land only in the manner determined and certified by the Engineer as enabling the safe use of the land for the use intended;
- (ii) the covenant contains conditions respecting reimbursement by the registered owner for any expenses that may be incurred by the City as a result of a breach of a covenant under sub-section (d)(i);
- (iii) the covenant be registered under Section 215 of the Land Title Act;

14.1.5 Upon application of the registered owner, Council may, by resolution, direct the Building Inspector to issue a Permit but subject to the condition that a covenant referred to in 14.1.4 be entered into and registered.

* SEE EXPLANATORY MATERIAL

PART 15 REFUSAL OF PERMITS

15.1 When requested by an applicant, the Chief Inspector shall give written reasons for his refusal to issue a permit.

PART 16 APPEAL PROCEDURE

16.1 Where a dispute arises on the interpretation or application of the Building Code, a party to the dispute may refer the question to the Building Code Appeal Board of the Province of B.C. for determination.

PART 17 CONTRAVENTION OF REQUIREMENTS

17.1 Where, during the course of carrying out his duties, the Chief Inspector:

- (a) observes a condition, with respect to land or a building or structure, that he considers:
 - (i) results from a contravention of or is a contravention of this bylaw or the Building Code or regulations thereunder relating to the construction or safety of buildings or structures; and
 - (ii) as a result of that condition, a building or structure is unsafe or is likely to be unsafe for its expected purpose during its normal lifetime, or
- (b) discovers that anything was done with respect to a building or structure or the construction thereof, that required a permit or an inspection

under this bylaw, or the Building Code or regulations thereunder and that a permit was not obtained or the inspection not satisfactorily completed, he may, in addition to any other action taken under this bylaw, make a recommendation that a resolution under Part 23 of the Municipal Act be considered by City Council.

PART 18 SERVICES - OFF AND ON SITE

18.1 OFF SITE

18.1.1 As a condition of the issue of a permit, the owner of the land shall provide works and services in accordance with City of Penticton Bylaw #2004-81, on that portion of a highway immediately adjacent to the site being developed.

18.1.2 Development cost charges shall be made insofar as they are directly attributable to the development of the site and shall not include specific works or services that are included in the development cost charge bylaw, unless the owner agrees to provide the works and services, in which case, the amount of development cost charges applicable to the types of works and services that included the calculations of development cost charges shall be deducted.

18.2 ON SITE

18.2.1 As a condition of the issue of a permit the owner of the said land shall provide, on the site being developed, works and services in accordance with City of Penticton Bylaw #2004-81 where such works and services are required, regulated.

PART 19 CLIMATIC CONDITIONS

19.1 Climatic data for the City of Penticton for the design of buildings shall be:

- (a) January 1.5% design temperature -16° C.
- (b) January 1% design temperature -18° C.
- (c) July design dry bulb temperature 33° C.
- (d) July design wet bulb temperature 20° C.

19.2	Degree days below 18° C.	3,502
19.3	Fifteen (15) minute rain	10 mm
19.4	One day rain	45 mm
19.5	Annual total precipitation	274 mm
19.6	Ground snow load	Ss 1.2 kPa Sr 0.1 kPa
19.7	Hourly wind pressure	

(a) 1/10 kPa	0.40
(b) 1/30 kPa	0.52
(c) 1/100 kPa	0.68

19.8 Seismic Data

(a) Z(a)	1
(b) Z(V)	1
(c) Zonal Velocity Ration (V)	0.05

PART 20 PENALTY

20.1 PENALTY

20.1.2 Every person who violates any provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw or the Building Code, or who neglects or refrains from doing anything required be done by any provision of this bylaw or the Building Code, shall be guilty of an offence, and upon summary conviction therefore, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), or in the alternative, to imprisonment for a period of time not exceeding six (6) months.

20.1.3 Each day during which such contravention is continued shall be deemed to constitute a new and separate offence.

20.1.4 If any section, sub-section, sentence, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this bylaw.

PART 21 EXPLANATORY MATERIAL

* - see the B.C. Building Code and Canadian Building Digest 230

EFFECTIVE DATE

This Bylaw shall be deemed effective upon final adoption.

The City of Penticton Building Bylaw #89-28 and amendments thereto are hereby repealed.

READ A FIRST TIME this 6th day of June, 1994.

READ A SECOND TIME this 6th day of June, 1994.

READ A THIRD TIME this 6th day of June, 1994.

RECONSIDERED, FINALLY PASSED AND ADOPTED
this 20th day of June, 1994.

Clerk, Leo den Boer

Mayor, J. Kimberley

SCHEDULE "A"

The following schedule of construction values shall be used to determine the Building Permit fees as prescribed in the City of Penticton Fees and Charges Bylaw.

STANDARD BUILDINGS

Standard Buildings containing up to four dwelling units will be assessed based on the current edition of the Marshal Valuation Service, the Marshall and Swift Residential Cost Handbook.

STANDARD AND COMPLEX BUILDINGS

All other project permit valuations shall be based the declared contract value for all construction, except that if the declared value is contested by the building inspector the building cost will be established using Table A-1.

TABLE A-1

Proposed Construction	Value per square foot	Value per square meter
Assembly building	\$65.00	\$700.00
Institutional building	\$69.97	\$750.00
Business and Personal services building	\$44.13	\$475.00
Mercantile building	\$46.45	\$500.00
Industrial building	\$41.13	\$450.00
Residential building	\$59.20	\$600.00