

The Corporation of the City of Penticton

Bylaw No. 2018-01

A Bylaw for the administration of the Building Code and the regulation of construction.

WHEREAS the Council of the City of Penticton may, by bylaw, regulate, prohibit and impose requirements in respect to buildings and structures for the following:

- (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
- (b) the conservation of energy or water;
- (c) the reduction of greenhouse gas emissions;
- (d) the health, safety or protection of persons or property;

AND WHEREAS the Council of the City of Penticton is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Penticton in accordance with the *Community Charter* and the *Building Act*;

AND WHEREAS the Council of the City of Penticton has employed trained building officials for the purpose of this bylaw;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART 1. TITLE

Citation

- 1.1. This bylaw may be cited as "Building Bylaw No. 2018-01".

PART 2. SEVERABILITY

- 2.1. If a section, subsection, paragraph, subparagraph or phrase in this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 3. TABLE OF CONTENTS

PART 1. TITLE 1

PART 2. SEVERABILITY..... 1

PART 3. TABLE OF CONTENTS 2

PART 4. INTERPRETATION..... 3

PART 5. PURPOSE OF THE BYLAW 7

PART 6. SCOPE AND EXEMPTIONS 7

PART 7. PROHIBITIONS 9

PART 8. POWERS OF A BUILDING OFFICIAL 10

PART 9. OWNER’S RESPONSIBILITIES 12

PART 10. OBLIGATIONS OF OWNER’S CONSTRUCTOR 13

PART 11. REGISTERED PROFESSIONAL’S RESPONSIBILITIES..... 14

PART 12. REQUIRED PERMITS 15

PART 13. CONDITIONS OF PERMIT..... 16

PART 14. PERMIT APPLICATION REQUIREMENTS FOR SIMPLE AND COMPLEX BUILDINGS 17

PART 15. BUILDING MOVE PERMIT 35

PART 16. DEMOLITION PERMITS..... 37

PART 17. FIRE ALARM PERMITS..... 39

PART 18. MECHANICAL VENTILATION AND HEATING PERMITS 39

PART 19. PLUMBING AND FIRE SUPPRESSION PERMITS..... 40

PART 20. POOL PERMITS 41

PART 21. RETAINING WALL PERMITS 43

PART 22. SOLAR PANEL PERMIT 44

PART 23. TEMPORARY BUILDING PERMIT 44

PART 24. ACCESS ROUTE FOR FIRE DEPARTMENT ACCESS 46

PART 25. CLIMATIC DATA 46

PART 26. ENERGY CONSERVATION and GHG EMISSIONS REDUCTION 46

PART 27. FINISHED GRADES and SLOPE RETENTION..... 47

PART 28. NUMBERING OF BUILDINGS 47

PART 29. TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION..... 48

PART 30. OFFENCES AND ENFORCEMENT 49

PART 31. UNSAFE CONDITIONS..... 50

PART 32. REPEAL..... 50

PART 33. IN FORCE 51

PART 4. INTERPRETATION

- 4.1. Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended to the date of the reference.
- 4.2. Every reference to
 - (a) the Building Code is a reference to the current edition as of the date of application the building permit, and
 - (b) a section of the Building Code is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.
- 4.3. Definitions of words and phrases used in this bylaw that are not included in the definitions in this part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Definitions

- 4.4. In this bylaw the following words and terms have the meanings:
 - (a) set out in Section 1.4.1.2. of the Building Code as of the date of the adoption of this bylaw: accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;
 - (b) subject to this bylaw, set out in the Schedule to the *Community Charter*; assessed value, highway, land, occupier, parcel, public authority, service and soil; and
 - (c) subject to this bylaw, set out in Section 29 of the *Interpretation Act*: may, must obligation, person, property, writing, written and year.

- 4.5. In this bylaw, the following words are defined:

“accepted” means reviewed by the building official under the applicable provisions of the Building Code and this bylaw;

“addition” means an alteration to any building which will increase the total aggregate floor area or the building height (in storeys), and includes the provision of two or more separate buildings with openings between each other for intercommunication;

“agent” includes a firm, corporation or other person representing the owner, by written designation or contract, and includes a hired tradesperson or constructor who may be granted a permit for work within the limitations of his or licence;

“alternative” solution means an alternative solution authorized under the Building Code;

“alteration” means a change, repair or modification of the construction or arrangement of or use of any building or structure, or to an occupancy regulated by this bylaw;

“Architects Act” means the Architects Act RSBC 1996, c. 17;

“building” means any construction used or intended for supporting or sheltering any use or occupancy and includes a mobile home;

“Building Act” means the Building Act RSBC 2015;

“Building Code” means the British Columbia Building Code as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

“building official” means the person designated in or appointed to that position by the City and other such person or persons as they may designate from time to time as their assistants;

“change of use or occupancy” means changing the use of a building, or portion of a building, to an alternative use, even if no construction or alterations are anticipated;

“complex building” means

- (a) a building used for a major occupancy classified as
 - (i) assembly occupancy;
 - (ii) care or detention occupancy;
 - (iii) high hazard industrial occupancy;
 - (iv) treatment occupancy; or
 - (v) post-disaster building;
- (b) a building exceeding 600m² in building area or exceeding three storeys in building height used for a major occupancy classified as
 - (i) residential occupancy;
 - (ii) business and personal services occupancy;
 - (iii) mercantile occupancy; or
 - (iv) medium and low hazard industrial occupancy;

“coordinating registered professional” means a registered professional retained pursuant to the Building Code to coordinate all design work and field reviews of the registered professionals required for a development;

“construct” or “construction” includes to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;

“constructor” means a person who constructs;

“City” means the City of Penticton;

“City Engineer” means the City of Penticton Engineer or designate;

“Engineers and Geoscientists Act” means the Engineers and Geoscientists Act RSBC 1996, c. 116;

“existing”, in respect of a building, means the portion of a building constructed prior to the submission of a permit application required under this bylaw;

“foundation” means a system or arrangement of foundation units through which the loads from a building are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;

“GHG” means greenhouse gas;

“health and safety aspects of the work” means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the Building Code; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

“mobile home” means a manufactured home constructed to the requirements of the CSA National Standard CAN/CSA-Z240MH Series-09 or any preceding or replacement standard;

“modular home” means a manufactured home conforming to the requirements of the CSA National Standard CAN/CSA A277-08 or any preceding or replacement standard for certified factory-built homes;

“on-site services” means utilities and features which provide for servicing a project within the property on which it is located and includes water service piping and distribution systems, storm and sanitary sewer collection, access roads, natural gas, electric and cable;

“off-site services” means services required pursuant to the City Subdivision and Development Bylaw of the day, that are required to be located on public road, public land or statutory right-of-way at final approval of the subdivision or development as the case may be;

“owner” means the registered owner of an estate in fee simple of land, or an agent duly authorized by the owner in writing in the prescribed form, and also where the context or circumstances so require

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in Sections 228 and 229 of the *Community Charter*; or
- (d) a lessee with authority to build on land;

“permit” means permission or authorization in writing by the building official to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a building or part of a building;

“pool” means a structure or constructed depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 600mm, including an in-ground pool and hot tub;

“professional design” means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional;

“project” means any construction operation;

“qualified plumber” means a person who holds a current Certificate of Qualification issued by the Province of British Columbia as a journeyman plumber for which a statement of compliance and assurance is being provided pursuant to Certificate of Plumbing Test;

“retaining wall” means any structure other than a building that holds or retains soil or other earth material behind it;

“simple building” means a building of three storeys or less in building height, having a building area not exceeding 600m² and used for a major occupancy classified as

- (a) residential occupancy;
- (b) business and personal services occupancy;
- (c) mercantile occupancy; or
- (d) medium and low hazard industrial occupancy;

“Step Code” means the Energy Step Code as references in the British Columbia Building Code Section 9.36.6 as amended from time to time.

“structure” means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land, airspace or water, and includes foundations or supporting framework for exterior signs, equipment and machinery, interior storage racking greater than 2.6 m in height, retaining walls and pool fences, but specifically excludes paving, fences and landscaping;

“temporary building” includes a sales office, construction office or a structure in which tools are stored during construction of a building or other structure;

“work” means the same as construct as defined in this bylaw.

PART 5. PURPOSE OF THE BYLAW

- 5.1. Despite any other provisions in this bylaw, this bylaw must be interpreted in accordance with this part.
- 5.2. Every permit issued under this bylaw is issued expressly subject to the provisions of this part.
- 5.3. This bylaw is enacted to regulate, prohibit and impose requirements in regard to construction in the City in the public interest.
- 5.4. The purpose of this bylaw does not extend to
 - (a) the protection of owners, designers, constructors, or any other persons from economic loss;
 - (b) the assumption by the City or any building official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by the owner, with the Building Code, the requirements of this bylaw, or other applicable enactments, codes or standards;
 - (c) 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;
 - (d) providing any person a warranty or assurance that construction undertaken under building permits issued by the City is free from latent, or any, defects; or
 - (e) the protection of adjacent real property from incidental damage or nuisance.

PART 6. SCOPE AND EXEMPTIONS

Application

- 6.1. This bylaw applies to the geographical area of the City and to land, the surface of water, air space, buildings or structures in the City.
- 6.2. This bylaw applies to the design, construction or occupancy of new buildings or structures, and the alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing buildings and structures, including Farm Buildings as regulated by the National Farm Code.
- 6.3. This bylaw does not apply to
 - (a) except as set out in Part 21 of this bylaw, a fence;
 - (b) an accessory building with a floor area of less than 10m², that does not constitute a potential unsafe condition;
 - (c) a trellis or arbour;
 - (d) a retaining wall supporting soil that is:
 - (i) less than 1.2m in height,

- (ii) a sequence of retaining walls less than 1.2m in height spaced greater than two horizontal to one vertical, or
- (iii) in the opinion of the building official does not constitute a potential unsafe condition;
- (e) landscaping or other surfacing of land, except when creating a public parking lot;
- (f) bridges other than pedestrian and vehicular bridges attached to buildings;
- (g) docks or wharves;
- (h) decks or patios which are less than 600mm from the ground or finished grade, which are not attached to a building and have no walls or roofs;
- (i) factory built housing and components complying with CAN/CSA-Z240 MH Series standard, but this exemption does not extend to on site preparations (foundations, mountings), connection to services and installation of appliances;
- (j) repair and maintenance of lawfully-conforming structures where the level of life safety and building performance shall not be decreased below a level that already exists;
- (k) the cleaning or repair of mechanical heating and ventilation systems; and
- (l) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the replacement of tubs, showers, toilets, lavatories or sinks if the work does not involve or require the rearrangement of valves, pipes or fixtures or hot water tanks.

Limited Application to Existing Buildings

- 6.4. Except as provided in the Building Code or to the extent an existing building is under construction or does not have an occupancy permit, when an existing building has been constructed before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the building must be reconstructed and altered, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 6.5. This bylaw applies if the whole or any part of an existing building is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation. Part 15 applies to building moves.
- 6.6. If an alteration is made to an existing building the alteration must comply with this bylaw and the Building Code and the entire building must be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new infractions in the remainder of the building as a result of the alteration.
- 6.7. If an alteration creates an addition to an existing building, the alteration or addition must comply with this bylaw and the Building Code and the entire building must be made to comply with this bylaw and the Building Code, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration or addition.

PART 7. PROHIBITIONS

- 7.1. A person must not commence or continue any construction, alteration, excavation, reconstruction, demolition, removal, relocation or change the use or occupancy of any building or structure, including other work related to construction
 - (a) except in conformity with the requirements of the Building Code and this bylaw; and
 - (b) unless a building official has issued a valid and subsisting permit for the work under this bylaw.
- 7.2. A person must not occupy or permit the occupancy of any building or structure or part of any building or structure
 - (a) unless a subsisting final inspection notice has been issued by a building official for the building or structure or the part of the building or structure; or
 - (b) contrary to the terms of any permit issued or any notice given by a building official.
- 7.3. A person must not knowingly submit false or misleading information to a building official in relation to any permit application or construction undertaken pursuant to this bylaw.
- 7.4. Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the building official, or plans and supporting documents which have been filed for reference with the building official after a permit has been issued.
- 7.5. A person must not, 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 or affixed to a building or structure pursuant to this bylaw.
- 7.6. A person must not do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been authorized in writing by a building official.
- 7.7. A person must not interfere with or obstruct the entry of a building official or other authorized official of the City on property in the administration of this bylaw.
- 7.8. A person must not construct on a parcel unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address.
- 7.9. A person must not contravene an administrative requirement of a building official made under Section 8.6 or any other provision of this bylaw.
- 7.10. A person must not change the use, occupancy or both of a building or structure or a part of a building or structure without first applying for and obtaining a building permit under this bylaw.

PART 8. POWERS OF A BUILDING OFFICIAL

Administration

- 8.1. Words defining the authority of building officials are to be construed as internal administrative powers and not as creating a duty.
- 8.2. A building official may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, permits, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
 - (c) establish or require an owner to establish whether a method or type of construction or material used in the construction of a building or structure complies with the requirements and provisions of this bylaw and the Building Code; and
 - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundations be carried out, or that sufficient evidence or proof be submitted by the owner, or at the owner's sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition complies with this bylaw and the Building Code.

Refusal and Revocation of Permits

- 8.3. A building official may refuse to issue a permit where in their opinion
- (a) the proposed work will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City, and must state the reasons in writing;
 - (b) the results of the tests on materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory to the building official; or
 - (c) the parcel referred to in the permit application does not
 - (i) have vehicular access; or
 - (ii) meet requirements of other City bylaws.
- 8.4. A building official may revoke a permit if, in their opinion,
- (a) a condition under which the permit was issued;
 - (b) a requirement of the Building Code or of this or another bylaw of the City;
 - (c) the permit was issued in error;
 - (d) cancellation or termination of Homeowner Protection Office Registration occurs prior to finalization of permit;

- (e) the permit was issued on the basis of false or incorrect information; or
- (f) such permit revocation may be delivered by mail to the owner.

Right of Entry

8.5 Subject to Section 16 of the *Community Charter*, a building official may enter any property at any time to ascertain whether the requirements of this bylaw are being met, or if the building official has any reason to believe that an unsafe condition exists.

Powers

8.6 Subject to applicable enactments, a building official may, by notice in writing, require

- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
- (b) an owner to stop work on a building or structure, or any part of a building or structure, if the work is proceeding in contravention of this bylaw, the Building Code, or any other enactment of the City or other applicable enactments, or if there is deemed to be an unsafe condition, and may enter any property to affix or post a stop work order in the prescribed form;
- (c) an owner to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
- (d) an owner to remove any building or structure, or any part of a building or structure, constructed in contravention of a provision of this bylaw;
- (e) an owner to have work inspected by a building official prior to covering;
- (f) an owner to uncover and replace, at the owner's expense, any work that has been covered without inspection contrary to this bylaw or an order issued by a building official;
- (g) a person to cease any occupancy in contravention of a provision of this bylaw;
- (h) a person to cease any occupancy if any unsafe condition exists because of work being undertaken but not complete and where the building official has not issued a final inspection notice for the work;
- (i) an owner to correct any unsafe condition; and
- (j) an owner to correct any work that contravenes this bylaw, the Building Code, or any other enactment.

8.7 Every reference to "owner" in Section 8.6 includes a reference to the owner's agent or constructor.

8.8 Every person served with a notice under this part must comply with that notice

- (a) within the time ordered, or
- (b) if no time is ordered, immediately.

PART 9. OWNER'S RESPONSIBILITIES

Owner's Obligations

9.1. Every owner must

- (a) comply with the Building Code, the requirements of this bylaw and the conditions of a permit, and must not omit any work required by the Building Code, this bylaw or the conditions of a permit;
- (b) ensure that all permits, all plans and specifications and supporting documents on which a permit was based, all municipal inspection certificates, and all professional field reviews are available at the site of the work for inspection during working hours of the building official, and that all permits are posted conspicuously on the site during the entire execution of the work; and
- (c) prior to the issuance of a building permit, execute and submit to the City an owner's undertaking in the prescribed form, where required by the building official.

9.2. Every owner and every owner's agent, must carry out construction or have the construction carried out in accordance with the requirements of the Building Code, this bylaw and other bylaws of the City and none of the issuance of a permit under this bylaw, the review of plans and supporting documents, or inspections made by a building official or a registered professional shall relieve the owner, or his or her agent, from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and all other applicable codes, standards and enactments.

9.3. Every owner must allow a building official to enter any building or premises at any reasonable time to administer and enforce this bylaw.

9.4. Every owner to whom a permit is issued must, during construction,

- (a) post a civic address on the property so that it may be easily read from the public highway from which the property takes its address;
- (b) post the permit placard on the property so that it may be easily read from the public highway from which the property takes its address;
- (c) provide building officials with safe access to the work site and all areas requiring inspection.

Damage to Municipal Works

9.5. Every owner to whom a permit is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the permit.

9.6. In addition to payment of the security deposit under City bylaws, every owner must pay to the City, within 30 days of receiving an invoice for same from the City, the cost to repair any damage to public property or works located on public property arising directly or indirectly for which a permit was issued.

Notice

9.7. Every owner must, at least 24 hours prior to commencing work at a building site, give written or online notice to a building official of the date on which the owner intends to begin such work.

- 9.8. Every owner must give written or online to a building official of any change in or termination of engagement of a registered professional, including coordinating registered professional, during construction, within 24 hours of when the change or termination occurs.
- 9.9. If an owner or a registered professional terminates the engagement of the registered professional, including a coordinating registered professional, the owner must terminate all work under a building permit until the owner has engaged a new registered professional, including a coordinating registered professional, and has delivered to a building official new letters of assurance in the form of a Schedule A and or B as outlined in the Building Code.
- 9.10. Without limiting Sections 14.45 to 14.50, every owner must give at least 24 hours' online or written notice to a building official
 - (a) of intent to do work that is required or ordered to be corrected during construction;
 - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be inspected prior to covering; and
 - (c) when work has been completed so that a final inspection can be made.
- 9.11. Every owner must give notice in writing to a building official and pay the non-refundable fee set out in the City's Fees & Charges Bylaw immediately upon any change in ownership or change in the address of the owner, which occurs prior to the issuance of an occupancy permit.
- 9.12. Every owner must give such other notice to a building official as may be required by the building official or by a provision of this bylaw.
- 9.13. Every owner shall obtain, prior to the occupancy of a building or part thereof, written permission from the building official to occupy the building or part thereof, pursuant to Part 14.

PART 10. OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 10.1. Every constructor must ensure that all construction is done in compliance with all requirements of the Building Code, this bylaw and all other applicable codes, standards and enactments.
- 10.2. Every constructor must ensure that no excavation or other work is undertaken on public property, and that no public property is disturbed, no building or structure erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 10.3. For the purposes of the administration and enforcement of this bylaw, every constructor is responsible jointly and severally with the owner for all work undertaken.

PART 11. REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 11.1. The provision by the owner to the City of letters of assurance in accordance with the requirements of the Building Code shall occur prior to
- (a) the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building; or
 - (b) a final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, in which case the owner must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, as outlined in the Building Code.
- 11.2. If a registered professional provides letters of assurance in accordance with the Building Code, they must also provide proof of professional liability insurance to the building official.

Requirement for a Registered Professional

- 11.3. The owner must retain a registered professional to provide a professional design and plan certification and letters of assurance in the form of Schedules A , B, C-A and C-B as referred to in the Building Code, in respect of a permit application
- (a) prior to the pre-occupancy site review coordinated by the coordinating registered professional or other registered professional for a complex building; or
 - (b) prior to a final inspection for a simple building in circumstances where letters of assurance have been required in accordance with the requirements of the Building Code, in which case the owner must provide the City with letter of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in the Building Code;
 - (c) foundation and excavation components of new simple buildings and additions greater than 55m² to simple buildings in accordance with the Building Code; except where an unsafe condition may exist;
 - (d) a building that is designed with common egress systems for the occupants and requires the use of firewalls in accordance with the Building Code;
 - (e) prior to alterations to a building, or to structural component of a building described in paragraph (b);
 - (f) for a building in respect of which the building official determines that site conditions, size or complexity so warrant in the interests of safety or persons or protection of property under the Building Code;
 - (g) if the building envelope components of the building fall under Division B Part 3 of the Building Code, the building contains more than 5 (five) dwellings, or if the building envelopes do not comply with the prescriptive requirements of Division B Part 9 of the Building Code; and

- (h) for a parcel of land on which a building or structure is proposed if the building official believes the parcel is or is likely to be subject to flooding (including high ground water), mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirements for a professional design is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended; and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the Building Code and applicable bylaws of the City.
- 11.4. The building official may require any registered professional carrying out the professional design and field review required under Section 11.1 to 11.3 to provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required and at the discretion of the building official, a peer review may be required prior to the acceptance of any design or field reviews conducted by a registered professional.
- 11.5. Any registered professional required by this bylaw to provide letters of assurance shall show proof of professional liability insurance at time of building permit application.

PART 12. REQUIRED PERMITS

- 12.1. Subject to Part 12 of this bylaw, every owner must apply for and obtain a permit, prior to:
- (a) construction or placement of new buildings and structures;
 - (b) additions to buildings and structures;
 - (c) interior and exterior alterations of buildings and structures;
 - (d) construction of foundations for, and installation of manufactured homes;
 - (e) installation of plumbing systems;
 - (f) alterations and addition to plumbing systems including the installation of solar hot water systems;
 - (g) installation and alteration of fire protection sprinkler systems;
 - (h) installation and alteration of fire alarm systems;
 - (i) installation of temporary buildings; including fabric covered structures;
 - (j) installation or alteration of heating and ventilation systems for residential simple buildings;
 - (k) installation or alteration of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;

- (l) installation or alteration of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection systems pursuant to NFPA 664;
- (m) construction, installation or alteration of chimneys or fireplaces;
- (n) installation of solid fuel burning appliances;
- (o) construction of retaining walls
 - (i) over 1.2m in height,
 - (ii) a sequence of retaining walls less than 1.2m in height but spaced less than two horizontal to one vertical, or
 - (iii) in the opinion of the building official constitutes a potential unsafe condition;
- (p) the moving or relocating of new or existing buildings, including site construction;
- (q) construction or alteration of pools or pool fences;
- (r) change of occupancy classification for a building or part of a building;
- (s) construction of a new secondary or accessory suite;
- (t) demolition of buildings or structures;
- (u) installation of solar photovoltaic systems being connected into City of Penticton Electrical system, and for
- (v) new or altered driveway access, sidewalk(s) and crossover(s) to a city highway.

unless the works are the subject of another valid and subsisting building permit.

PART 13. CONDITIONS OF PERMIT

- 13.1. A permit is required if work regulated under this bylaw is to be undertaken.
- 13.2. A building permit or an application for a building permit that is in process may not be transferred or assigned until the owner has notified the building official in writing, the building official has authorized the transfer or assignment in writing and the owner has paid the non-refundable fee required in the City's Fees and Charges Bylaw. The transfer or assignment of a building permit is not an extension of a building permit.
- 13.3. The review of plans and supporting documents and issuance of a building permit do not prevent the building official from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of this or another bylaw.

- 13.4. Neither the issuance of a permit under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way
- (a) relieve the owner (and if the owner is acting through an agent, the agent of the owner) from full and sole responsibility to perform the work in respect of which the permit was issued in strict compliance with this bylaw, the Building Code, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the Building Code, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with;
 - (c) or constitute a representation or warranty that the building or structure meets any standard of materials or workmanship.

PART 14. PERMIT APPLICATION REQUIREMENTS FOR SIMPLE AND COMPLEX BUILDINGS

- 14.1. Every owner shall apply for and obtain a permit before constructing, altering, repairing demolishing or moving a building or structure.

Forms

- 14.2. The City shall provide application forms for all application processes required under this bylaw. Forms shall be adopted by the City through policy from time to time.

Additional Permits

- 14.3. Where required, separate permits and inspections may be required in the following cases:
- (a) Building Move in accordance with Part 15;
 - (b) Demolition or partial demolition of buildings in accordance with Part 16;
 - (c) Fire Alarms in accordance with Part 17;
 - (d) Mechanical Ventilation or Heating Systems in accordance with Part 18;
 - (e) Plumbing and Fire Suppression Systems in accordance with Part 19;
 - (f) Pool Permit in accordance with Part 20;
 - (g) Retaining Walls in accordance with Part 21;
 - (h) Solar Panel Systems in accordance with Part 22;

(i) Temporary Buildings in accordance with Part 23.

14.4 Prior to an application of a building permit, the owner must satisfy the following requirements or conditions:

- (a) the owner must apply for and obtain a development permit if the building or structure is in an area designated by the City's Official Community Plan as a development permit area;
- (b) the owner must ensure the proposed building or structure complies with all bylaws of the City, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
- (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed building or structure will be constructed, and the subdivision plan must have been registered in the Land Title Office;
- (d) the owner must provide evidence to the building official showing that the person applying for the building permit is either the owner of the parcel that is the subject of the proposed building permit, or is the agent of the owner, in which case, the agent must provide the name and contact information of the owner;
- (e) the subject property or building shall be addressed in accordance with City bylaws;
- (f) the owner must show proof of application for registration or exemptions for home warranty for projects governed under the *Home Protection Act*;
- (g) if the parcel that is the subject of the building permit application is not intended to be connected to the City's sewage disposal system, the owner must apply for and obtain approval from the City and other applicable public authorities for an alternate private sewage disposal system;
- (h) if the parcel that is the subject of the building permit application is not intended to be connected to the City's water system, the owner must apply for and obtain approval from the City and other applicable public authorities for an alternate water supply system;
- (i) if the parcel that is the subject of the building permit application must provide design for on-site storm water drainage system unless the owner applies for and obtains approval from the City to connect the City's storm water system;
- (j) if all on-site and off-site works and services required by the City bylaws and other enactments have not been completed in accordance with the enactments, the owner must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

Building Permit Applications for Complex Buildings

14.5 An application for a building permit with respect to a complex building must:

- (a) be made in the prescribed form and signed by the owner, or a signing office if the owner is a corporation;

- (b) pay applicable application fee as prescribed with the City of Penticton Fees & Charges Bylaw;
- (c) be accompanied by the owner's acknowledgement of responsibility and undertaking in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the permit application;
- (e) ensure that plans submitted with a permit application bear the name, phone number, address and email address of the designer of the building or structure;
- (f) include a Building Code compliance summary including the applicable edition of the Building Code, such as without limitation whether the building is designed under Part 3 or Part 9 of the Building Code, major occupancy classification(s) of the building, building area, and building height, number of streets the building faces, and accessible entrances, work areas, washrooms, firewalls and facilities;
- (g) include a copy of a survey plan prepared by a British Columbia Land Surveyor except that the building official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (h) include a construction fire safety plan, material staging and trucking route plan;
- (i) include a site plan prepared by a registered professional showing: (all dimensions are to be shown in metric and imperial measurements)
 - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - ii. the legal description and civic address of the parcel;
 - iii. the location and dimensions of existing and proposed statutory rights of way, easements and setback requirements, adjacent streets and lane names;
 - iv. the location and dimensions of existing and proposed buildings or structures on the parcel;
 - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - vi. north arrow;
 - vii. if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system, or storm water drainage system;
 - viii. zoning compliance summary;
 - ix. the location, dimensions and gradient of parking and parking access;
 - x. proposed and existing setbacks to property lines;
 - xi. natural and finished grades in geodetic elevations at building corners and significant breaks in the building plan and proposed grade around the building faces in order to ascertain foundation height;
 - xii. on-site storm water management plan;
 - xiii. first storey floor elevation in geodetic elevation;
 - xiv. location, setbacks and elevations of all retaining walls, steps, stairs and decks;
 - xv. line of upper floors and maximum building height in geodetic elevations;
 - xvi. location and geodetic elevations of curbs, driveways, sidewalks, manholes, and service poles;
 - xvii. location and depth of existing and proposed service connections;

- xviii. location of top bank and water courses;
- xix. access routes for firefighting;
- xx. accessible paths of travel from the street to the building;
- xxi. geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation, and
- xxii. Where the parcel of land contains slopes in excess of 15%, and upon the request of the Building Official, be accompanied by;
 1. 0.5 meter contours of the existing ground surface of the parcel;
 2. 0.5 meter contours of the proposed final grading
 3. The elevation of all floor areas of the building, the location of all retaining, driveways, parking areas and other structures on the parcel;
 4. The drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and storm water management plans.

except that the building official may waive, in whole or in part, the requirements for a site plan, if the permit is sought for repair or alteration of an existing building or structure;

- (j) include floor plans showing the dimensions and uses and occupancy classification of all areas, including: 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; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (k) include a minimum of two cross-sections through the building or structure in sufficient detail and locations to illustrate foundations, drainage, ceiling heights and constructions systems, including thermal and building envelope assemblies;
- (l) include elevations of all side of the building or structure showing finish details, roof slopes, windows, doors, natural and finished grade, spatial separations and ridge height to comply with the Building Code and to illustrate that the building or structure conforms with the City Zoning Bylaw and development permit area guidelines;
- (m) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building conforms to the Building Code;
- (n) include all other requirements of Sections 2.2.1., 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the Building Code;
- (o) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal permits, highway access permits and Ministry of Health approvals;
- (p) include a letter of assurance in the form of Schedule A referred to in the Building Code, signed by the owner, or a signing officer is the owner is a corporation, and the coordinating registered professional;

- (q) include letter of assurance in the form of Schedule B referred to in the Building Code, 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;
- (r) include two sets of drawings at a suitable scale of the design prepared by each registered professional containing the information set out in (g) to (m) of this section;
- (s) include fire flow calculations confirming adequate water supply for firefighting;
- (t) include all documentation required by City procedure, as amended from time to time.

14.6 In addition to the requirements of Section 14.5 of this bylaw, a building official may require the following to be submitted with a permit application for the construction of a complex building if the complexity of the proposed building or structure or siting circumstances warrant

- (a) site servicing and on-site storm water management 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 City's Bylaws;
- (b) a section through the site showing grades, buildings, structures, parking areas and driveways where any slopes on the subject parcel exceed 15%; and
- (c) 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.

Building Permit Applications for Simple Buildings

14.7 An application for a building permit with respect to a simple building must

- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (b) pay applicable application fee as prescribed with the City's Fees and Charges Bylaw;
- (c) be accompanied by the owner's acknowledgement of responsibility and undertaking in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (d) include a copy of a title search for the relevant property made within 30 days of the date of the permit application;
- (e) ensure that plans submitted with a permit application bear the name, phone number, address and email address of the designer of the building or structure;
- (f) include a copy of a survey plan prepared by a British Columbia Land Surveyor except that the building official may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (g) include a site plan showing: (all dimensions are to be shown in metric and imperial measurements)

- i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
- ii) the legal description and civic address of the parcel;
- iii) the location and dimensions of existing and proposed statutory rights of way, easements and setbacks requirements, adjacent streets and lane names;
- iv) the location and dimensions of existing and proposed buildings or structures on the parcel;
- v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
- vi) north arrow;
- vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
- viii) the location, dimensions and gradient of parking and parking access;
- ix) proposed and existing setbacks to property lines;
- x) natural and finished grades in geodetic elevations at building corners and datum determination points;
- xi) on-site storm water management;
- xii) first storey floor elevation in geodetic elevations;
- xiii) location, setbacks and elevations of all retaining walls, steps, stairs and decks;
- xiv) line of upper floors and maximum building height in geodetic elevations;
- xv) location and geodetic elevation of curbs, driveways, sidewalks, manholes and service poles;
- xvi) location and depth of existing and proposed service connections;
- xvii) location of top bank and water courses;
- xviii) access routes for firefighting;
- xix) accessible paths of travel from the street to the building;
- xx) zoning compliance summary; and
- xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a building or structure where the City's land use regulations or provincial flooding mapping regulations establish siting requirements related to minimum floor elevation, and
- xxii) where the parcel of land contains slopes in excess of 15%, and upon the request of the Building Official, be accompanied by;

- a. 0.5 meter contours of the existing ground surface of the parcel;
- b. 0.5 meter contours of the proposed final grading;
- c. The elevation of all floor areas of the building, the location of all retaining, driveways, parking areas and other structures on the parcel;
- d. The drainage provisions as outlined in the approved subdivision grading plans, if any, or the approved sedimentation control and storm water management plans.

except that for a simple building the building official may waive, in whole or in part, the requirements for a site plan if the permit is sought for the repair or alteration of an existing building;

- (h) include floor plans showing the dimensions and uses of all areas, including: 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;
- (i) include a minimum of two cross-sections through the building illustrating foundations, drainage, ceiling heights and construction systems, including thermal and building envelope assemblies;
- (j) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the Building Code and to illustrate that the building or structure conforms with the City of Penticton Zoning Bylaw and Official Community Plan;
- (k) 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;
- (l) include copies of approvals required under any enactment relating to health and safety, including, without limitations, sewage disposal permits, highway access permits and Ministry of Health approvals;
- (m) include an excavation & storm water management plan design prepared by a registered professional in accordance with the Building Code;
- (n) include geotechnical letters of assurance, in addition to a required geotechnical report, if the building official determines that the site conditions so warrant;
- (o) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section;
- (p) include a Building Code compliance summary including the applicable edition of the Building Code, such as, without limitation, whether the building is designed under Part 3 or Part 9 and compliance with article 2.2.2.1.(2), Division C of the Building Code; and
- (q) include all documentation required by City procedures, as amended from time to time.

14.8 In addition to the requirements of Section 14.7 of this part, if a project involves

- (a) two or more buildings, the gross floor areas of which in the aggregate total more than 1000m²;

- (b) two or more buildings that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed building or structure or siting circumstances warrant,
- (d) a building official may require the following be submitted with a permit application for the construction of each simple building in the project:
 - i) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's Bylaws;
 - ii) a construction fire safety, material staging and trucking route plan;
 - iii) a section through the site showing grades, buildings, structures, parking areas and driveways;
 - iv) a roof plan and roof height calculations in geodetic elevations;
 - v) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a registered professional;
 - vi) letters of assurance in the form of Schedule B referenced in the Building Code, signed by a registered professional;
 - vii) 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, and

Professional Plan Certification

- 14.9 The letters of assurance in the form of Schedules A and B as referred to in the Building Code referred to in Sections 11.1 and 11.3 are relied upon by the City and its building officials as certification that the design and plans to which the letters of assurance refer comply with the Building Code, this bylaw and other applicable enactment.
- 14.10 Letters of assurance must be in the form of Schedules A and B referred to in the Building Code.
- 14.11 For a building permit issued for the construction involving a registered professional, the building official shall provide the owner with a notice that the building permit is issued in reliance on the certification of the registered professional that the professional design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments. Any failure on the part of the building official to provide the owner with the notice will not diminish or invalidate the reliance by the City or its building officials on the registered professionals.
- 14.12 If a building permit is issued for a construction involving registered professionals, the permit fee is to be reduced as prescribed within the City's Fees and Charges Bylaw.

Alternate Solutions

14.13 An owner who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code or this bylaw must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed alternative solutions will provide the level of performance required by the Building Code or this bylaw and pay the fee specified in City's Fees and Charges Bylaw.

Site and Location Information

14.14 Without limiting Sections 14.5(g) or 14.7 (g) of this part, the building official may in writing require an owner to submit an up-to-date plan or survey prepared by a registered British Columbia Land Surveyor which contains sufficient information respecting the site and location of any building to

- (a) establish, before construction begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the construction, that all provisions of this and other applicable bylaw have been complied with;
- (c) in relation to an existing building, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
- (d) in relation to construction of a new building, or addition to an existing building, prior to and after the placement of concrete for foundations and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with this requirement.

Building Permit Fee

14.15 Before receiving a building permit for a building or structure, the owner must first pay to the City

- (a) the building permit fee prescribed in the City's Fees and Charges Bylaw; and
- (b) any fees, fines, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the building permit.

14.16 The application fee shall be credited against the permit fee when the permit is issued.

Valuation for Permit

14.17 The valuation of construction set out in the application for a permit shall be the total current monetary worth of all construction or work related to the building or structure, and shall include

- (a) site preparation and civil work including excavation and the use of hoisting, pile driving, compaction or erection devices;
- (b) all design documents, labour and fees involved in the design, investigative testing, consulting services, construction labour and management, even if provided by the owner, or donated

voluntarily by others, contractor's profit and overhead, sales taxes and the construction insurance; and

- (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form.

14.18 The building official may place a value on the construction or work for the purposes of determining applicable permit fees by using an appropriate method from the "Marshall Valuation Services" publications with the updated "current cost multipliers," or such universal source of calculating valuation, as the building official deems reasonable, practical and expedient.

Security Deposit with Building Permit Application

14.19 An applicant for a building permit must pay to the City, at the time of application, the following security deposit as prescribed within the City of Penticton Fees and Charges Bylaw for:

- (a) Building Moves;
- (b) Demolition permits;
- (c) Foundation only building permits for Complex projects; and
- (d) Temporary Building permits.

14.20 The security deposit sum set out in Section 14.19 of this part

- (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any building permit held by the applicant;
- (b) covers the cost borne by the City to make the site safe if the permit holder abandons or fails to complete the work as designated on the permit;
- (c) serves as a security deposit to effect compliance with any condition under which the permit was issued.

14.21 The security deposit or applicable portion must be returned to the applicant

- (a) when the City is satisfied that no further damage to public works or public lands will occur;
- (b) when the inspections required by this bylaw are complete and acceptable to the building official; and
- (c) when the conditions or provisions of a provisional certificate of occupancy are completed to the satisfaction of the building official;

only if the applicant has requested the return of the security.

14.22 Any credit greater than the amount of the security deposit used by the City for the purposes described in Part 14 will be returned to the permit holder unless otherwise so directed by the permit holder. Any

amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the permit holder, the constructor or the owner of the property.

- 14.23 If the proposed work includes excavation or construction on lands within 3.0 meters of works or services owned by the City, the owner must deliver to the building official a signed agreement in a form prescribed by the City under which the owner acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the building permit will be repaired by the owner at its expense and to the satisfaction of the City's Public Works Superintendent, and the owner must deposit with the City security in accordance with Sections 14.19 to 14.20.

Permit Fee Refunds

- 14.24 No fee or part of a fee paid to the City may be refunded if construction of the building has started.
- 14.25 The building official may approve a refund of an application fee or portion thereof only if plan checking has not commenced.
- 14.26 A building permit or other permit fee may be partially refunded as set out in the City bylaws, only if
- (a) the owner has submitted a written request for a refund;
 - (b) the building official has certified a start has not been made on the construction of the building or structure; and
 - (c) the permit has not expired.
- 14.27 A building permit or other permit fee is not refundable after the permit has been extended under Section 14.64 of this part.
- 14.28 Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

Design Modification

- 14.29 If an issued building permit or other permit is active and the owner proposed modification to the building design whereby the value of the work does not increase or the value of the work decreases, the owner must pay to the City a building permit fee based on the plan review hourly rate set out in City's Fees and Charges bylaw.

Construction Before Permit Issued

- 14.30 The building permit or other permit fee is doubled for every permit application if construction commenced before the building official issued a permit, to a maximum of \$10, 000.
- 14.31 If construction has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the building official may require tests and investigations by an independent agency at the owner's expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a permit.

Expiration of Application for a Permit

14.32 A building permit or permit application expires 90 days from a date an application is received under this part if the building permit or permit is not issued by the application expiration date, unless the permit is not issued only due to delays caused by the City.

Cancellation of Application

14.33 When an application is cancelled

- (a) the application fee is forfeited to the City; and
- (b) the applicant will be notified in writing confirming cancellation of application and that plans and related documents submitted with the application will be held for a period of 30 days, then destroyed.

Confirmation of Permit Application Reviews

14.34 Upon receiving a completed permit application, the building official shall provide written confirmation that the city will either issue a permit, or refuse issuance with reasons for the denial within:

- (a) 21 days for Simple building permit applications; or
- (b) 45 days for Complex building permit applications.

14.35 If the denial notice is not provided within the timeframes outlined in Section 14.34 (a) or (b), the permit fee is to be reduced as prescribed within the City's Fees and Charges Bylaw.

Issuance of a Building Permit

14.36 Each building, structure or part thereof constructed on a site requires a separate permit and shall be assessed a separate permit fee based on the value of that building, structure or part thereof.

14.37 If

- (a) a completed application in compliance with Sections 14.4 and 14.5 to 14.6 or 14.7 to 14.8, including all required supporting documentation, has been submitted;
- (b) the owner has paid all applicable fees set out in Sections 14.15, 14.16 and 14.17 to 14.23 of the part and the City bylaws;
- (c) the owner or his representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the owner has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the owner has retained an architect if required under this bylaw;
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the permit to be withheld; and

- (g) the owner has provided a hazardous materials assessment and remediation compliance letter for additions or alterations to buildings constructed prior to 1992.

the building official must issue the permit, in the prescribed form, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the owner that the permit is ready to be picked up by the owner.

Compliance with the Homeowner Protection Act

14.38 If the application in respect of a building that includes, or will include, a residential occupancy governed by the *Homeowner Protection Act*, the building permit must not be issued unless the owner provides evidence under Section 30(1) of the *Homeowner Protection Act*, that the proposed building

- (a) is covered by home warranty insurance; and
- (b) the constructor is a licensed “residential builder” as defined in that Act.

14.39 Section 12.30 of this part does not apply if the owner is not required to be licensed and to obtain home warranty in accordance with Sections 20(1) or 30(1) of the *Homeowner Protection Act*.

14.40 Every permit is issued subject to the owner and constructor maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the permit.

Issuance of Partial Permits

14.41 The building official may issue a permit for a portion of a building or structure before the design, plans and supporting documents for the entire building or structure have been reviewed provided sufficient information has been provided to the City to demonstrate to the building official that the portion authorized to be constructed substantially complies with this and any other applicable City bylaws and the permit fee applicable to that portion of the building or structure has been paid. Notwithstanding the issuance of the permit, the requirements of this bylaw shall 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.

14.42 If a site has been excavated under a building permit for excavation issued under this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired under Section 14.41, but without the construction of the building or structure for which the building permit was issued having commenced, the owner must fill in the excavation to restore the original gradients to the site within 60 days of being served notice by the City to do so.

14.43 If a building permit has expired and partial construction has progressed, with no extension requested of the building official under Section 14.42, permanent type fencing with privacy screen complying with the City’s Zoning Bylaw, must be erected around the building site for protection to the public.

Sanitary Facilities during construction

14.44 During the time a building permit has been issued and remains valid under this bylaw, the owner must provide on the parcel of land in respect of which the permit has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relations to the work referred to in the permit, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a

- (a) sanitary sewer; or
- (b) septic disposal system approved under the *Health Act*,

by plumbing that complies with the Building Code and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

Inspections for Simple Buildings

- 14.45 Despite the requirement for the building official's acceptance of the work outlined in Section 14.48, if a registered professional provides letters of assurance, the City will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the design, plans and specifications and that the construction complies with the Building Code, this bylaw and other applicable enactments respecting safety. Copies of all field reviews must be submitted to the City.
- 14.46 Despite Section 14.45 of this part, 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.
- 14.47 A building official may attend periodically at the site of the construction of simple buildings or structures to ascertain whether the work is being carried out in substantial conformance with the Building Code, this bylaw and any other applicable enactments concerning safety.
- 14.48 For all work in respect of simple buildings the owner must give at least 24 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a building official's written acceptance of the following aspects of the work prior to concealing them:
 - (a) Pre-construction site review when required by the building official;
 - (b) footings, after preparation for footings are complete, prior to placement of concrete;
 - (c) foundation, after forms for foundation walls are completed, prior to placement of concrete;
 - (d) after damp-proofing and foundation drainage are in place, prior to backfilling;
 - (e) sanitary sewer service, after sewer line is in place and under test, prior to backfilling;
 - (f) domestic water service, after the water service lines are in place and water has been turned on, prior to backfilling;
 - (g) under-slab plumbing and underground fire suppression supply lines, prior to covering;
 - (h) under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of inside of concrete foundation walls are in place, prior to covering;
 - (i) installation of rough-in plumbing, when complete and under test, prior to covering;

- (j) installation of mechanical ventilation and heating systems, prior to covering;
- (k) framing, sheathing, fire stopping, bracing, with installation of chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (l) insulation, air and vapour barrier, after all insulation and vapour barrier is in place but prior to interior finish being applied which conceal the work;
- (m) exterior sheathing membrane and flashing prior to exterior finishes being applied;
- (n) installation of required fire separations prior to completing;
- (o) on-site constructed tubs or showers and tub or shower trap tests; and
- (p) occupancy and final, after the health and safety aspects of the work and the conservation, GHG emissions reduction and accessibility aspects of the work when the building or structure is substantially complete, ready for occupancy but prior to occupancy.

14.49 A building official will only carry out an inspection under Section 14.48 if the owner or the owner's agent has requested the inspection online or in writing in accordance with this bylaw.

14.50 No person may conceal any aspect of the work referred to in Section 14.48 of this bylaw until a building official has accepted it in writing.

Complex Building Commissioning

14.51 For work in respect of complex buildings, the owner must

- (a) give at least 48 hours' online or written notice to the City when requesting a preconstruction meeting with the building official prior to the start of construction, and the owner or his or her representative must ensure that the coordinating registered professional, the constructor, as well as representatives of major trades, are in attendance;
- (b) give at least 48 hours' online or written notice to the City when requesting a pre-occupancy coordinated by the coordinating registered professional or other registered professional to have the owner, the constructor, and the registered professionals demonstrate to the building official and City Fire Department the compliance with the health and safety aspects of the work, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety and the conservation, GHG emissions and accessibility aspects of the work; and
- (c) cause the coordinating registered professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the coordinating registered professional, to deliver to the building official the Confirmation of Required Documentation described in the prescribed form, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

Stop Work Orders

- 14.52 The building official may direct the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a stop work order notice in the prescribed form on the premises when it is found that the work is not being performed in accordance with the requirements of the Building Code, any applicable bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.
- 14.53 The coordinating registered professional may request, in writing, that the building official order the immediate suspension or correction of all of a portion of the construction on a building or structure by attaching a stop work order notice on the premises. The building official must consider such request and, if not acted upon, must respond, in writing, to the coordinating registered professional and give reasons.
- 14.54 If a registered professional's services are terminated, the owner must immediately stop any work that is subject to his or her design or field review and the building official is deemed to have issued a stop work order under Section 14.52.
- 14.55 The owner must immediately, after the posting of a notice under Section 14.52, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a Provincial agency and of every applicable bylaw of the City.
- 14.56 Subject to 14.52, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 14.52 until the stop work order notice has been removed by the building official.
- 14.57 The notice referred to in Section 14.52 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 14.58 If a person occupies a building or structure or part of a building or structure in contravention of this bylaw, a building official may post a Do Not Occupy Notice in the prescribed form on the affected part of the building or structure.
- 14.59 If a notice is posted under Section 14.58, the owner of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease occupancy of the building or structure immediately and 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.

Inspection and Other Fees

- 14.60 In addition to the fees required under other provisions of this bylaw, the owner must pay the non-refundable fee set out in City bylaws for
- (a) a second and each subsequent re-inspection where it has been determined by the building official that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one visit is required for any required inspection;

- (b) a special inspection during the City's normal business hours to establish the condition of a building, or if an inspection requires special arrangements because of time, location, or construction techniques; and
- (c) an inspection required under this bylaw which cannot be carried out during the City's normal business hours.

Permit Expiration

- 14.61 Every permit is issued on the condition that the permit expires and the rights of the owner under the permit terminate if
- (a) the work authorized by the permit is not commenced within 180 days from the date of issuance of the permit unless extended under Part 12;
 - (b) work is discontinued for a period of 180 days; or
 - (c) the work is not completed within 24 months for Simple and Complex projects, unless otherwise specified by the Building Official, of the date of issuance of the permit.
- 14.62 Where a permit has expired, the work shall cease and the construction shall be removed, unless a new permit application is made within 90 days of the expiry date of the permit.
- 14.63 Where a permit has expired, and a new permit application is made, all construction shall comply with this bylaw, the Building Code and any other City bylaws and enactments in force at the time of the new application.

Permit Extension

- 14.64 Where construction has not commenced within 180 days from the date the permit was issued, the building official may extend the permit for a period not more than 180 days from the date of expiry of the original permit, but the permit shall then be void if construction has not started within 360 days from the original date of the issuance of the permit, if
- (a) application for the extension is made at least 30 days prior to the date of permit expiration, and
 - (b) the non-refundable fee set out in the City's Fees and Charges Bylaw has been paid.
- 14.65 Where construction has commenced and has not been discontinued or suspended for a period of more than 180 days, the building official may extend the expiry date for the permit for such period of time as the building official considers reasonable, where the building official is satisfied that there exists a reasonable excuse for the delay in completing construction, if
- (a) application for the extension is made at least 30 days prior to the date of permit expiration; and
 - (b) the non-refundable fee set out in the City's Fees and Charges Bylaw has been paid.

Building Permit Cancellation by Owner

- 14.66 A building permit, or a building permit application, may be cancelled by the owner, or his or her agent, on delivery of written notification of the cancellation to the building official.

- 14.67 On receipt of the written cancellation notice, the building official must mark on the application, and a permit if applicable, the date of cancellation and the word "cancelled".
- 14.68 If the owner, or his or her agent, submits changes to an application after a permit has been issued and the changes, in the opinion of the building official, substantially alter the scope of work, design or intent of the application in respect of which the permit was issued, the building official may cancel or amend the permit and mark on the permit the date of cancellation or amendment and the work "cancelled" or "amended".
- 14.69 If a building permit application or permit is cancelled, and construction has not commenced under the permit, the building official must return to the owner any fees deposited under the City's Fees and Charges Bylaw.

Partial Occupancy

- 14.70 A building official may issue a final inspection notice for partial occupancy of a portion of a building or structure under construction when
- (a) that portion of the building or structure is self-contained and provided with essential services respecting health and safety aspects of the work, and if applicable, accessibility, GHG emissions and conservation; and
 - (b) the requirements set out in Section 14.75 have been met with respect to it, and
 - (c) security deposit fees are paid as prescribed by the City of Penticton Fees and Charges Bylaw.
- 14.71 The owner, developer or builder shall ensure that no unsafe condition exists or will exist resulting from the work being undertaken or not completed.
- 14.72 The building official may withhold an occupancy permit until the building, structure or part thereof complies with this bylaw, the Building Code and any other applicable bylaws or enactments.
- 14.73 The building official may revoke an approval for occupancy for failure to comply with any conditions of the approval.

Occupancy

- 14.74 No person may occupy a building or structure or part of a building or structure until a final inspection notice has been issued by a building official for
- (a) the first occupancy of a building or structure or part thereof after completion of construction; or
 - (b) any change of class of occupancy of any building or structure or part thereof.
- 14.75 A final inspection notice will not be issued unless
- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
 - (b) all aspects of the work requiring inspection and acceptance pursuant to Sections 14.48 to 14.49 and 14.51 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with this bylaw;

- (c) the owner has provided to the City a building survey prepared by a British Columbia Land Surveyor showing the building height, size, location and elevation determined in accordance with the City's land use regulations;
- (d) all other documentation required under applicable enactments has been delivered to the City;
- (e) where any of the requirements for life and fire safety have been deemed to be satisfied by an alternate solution pursuant to provisions of the Building Code, the owner shall submit to the building official, prior to use or occupancy of the building or structure, certification from the registered professional responsible for the equivalency, that the construction substantially complies with the requirements set out in the alternate solution report.

14.76 When a registered professional provides letters of assurance in accordance with this bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing occupancy as assurance that the items identified on the letters of assurance substantially comply with the design, the Building Code, this bylaw and other applicable enactments respecting safety.

PART 15. BUILDING MOVE PERMIT

15.1 Without limiting Section 6.3 of this bylaw, no person shall relocate a manufactured home, structure, building or part thereof into the City or from one property to another within the City unless the owner or agent has first obtained a building permit for that purpose as provided for in this bylaw.

Application Requirements

15.2 An application for a building permit with respect to a building move permit must:

- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (b) pay applicable application fee as prescribed in the City of Penticton Fees and Charges Bylaw;
- (c) provide a site plan showing:
 - i) the location of the proposed building and any accessory buildings in relation to existing buildings on the property in the form of a site plan drawn to scale;
 - ii) distances from the proposed building and all existing buildings to the property boundaries;
- (d) drawings showing construction details for on-site construction as outlined in Section 14.5 or 14.7; and
- (e) written confirmation from the manufactured home park owner or authorized representative.

15.3 The relocation of manufactured homes factory constructed and assembled more than 30 years prior to the date of permit application is prohibited. The year, make, model and serial numbers shall be determined by the CSA Rating Plate and/or the Province of British Columbia Mobile Home Registry.

- 15.4 A building official may require a report from an accredited restoration company or registered professional with experience in environmental engineering stating that there are no environmental issues or hazards regarding health and safety to occupants prior to issuing a building permit to relocate a manufactured home, mobile home or other building.
- 15.5 Where a manufactured home or mobile home is less than five years old, the building evaluation may be waived by the building official.

Permit Issuance

- 15.6 The building official may issue a permit for construction involved in the moving of any building, structure or part thereof into or within the City when the owner has
- (a) finalized disconnection of services;
 - (b) finalized any outstanding taxes owing and utility billing accounts to the City;
 - (c) have approval for safe route transport in the form of Schedule G as prescribed by the City's Public Works department;
 - (d) provided a hazardous assessment and clearance letter for the demolition of any existing on-site construction for buildings constructed prior to 1992, and
 - (e) deposited with the City a security deposit as prescribed within the City's Fees and Charges Bylaw.

Permit Completion Conditions

- 15.7 All construction including relocations, alterations and additions for relocated manufactured homes, mobile homes or other buildings shall be completed within 180 days of the date the permit was issued.
- 15.8 If the owner does not move the building, structure or part thereof for which a permit is issued and complete construction within the time specified in Section 15.7, the building official may notify the owner in writing and direct the owner to complete that work within 30 days from the date of the notice.
- 15.9 If the work is not completed within the 30 days, the City or its agent may enter, clean and tidy the site at the expense of the owner and the costs shall be deducted from the security deposit.
- 15.10 If the building, structure or part thereof to be moved is located on a property in the City, then the property must be returned to a safe, clean and tidy condition within 120 days from the date of issuance of the permit.

PART 16. DEMOLITION PERMITS

16.1 Without limiting Section 6.3 of this bylaw, a person must not demolish or partially demolish a building or structure without making application and receiving a valid building permit.

Application Requirements

16.2 An application for a building permit with respect to a demolition permit must

- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (b) pay applicable application fee as prescribed in the City of Penticton Fees and Charges Bylaw;
- (c) provide a site plan showing all buildings and structures and servicing locations;
- (d) provide vacancy date;
- (e) provide a hazardous materials assessment and remediation clearance letter for buildings constructed prior to 1992;
- (f) pay capping fees as set out in the City's bylaws governing water, electrical and sewer utilities; and
- (g) ensure that all municipal services and other services are capped and terminated at the property line in a City standards.

Demolition sites

16.3 The following items shall be required at demolition sites to the satisfaction of the building official:

- (a) the demolition of buildings and structures shall be in accordance with Part 8 of the Building Code "Safety Measures at Construction and Demolition Sites";
- (b) all construction material and debris, including concrete foundations and septic tanks are to be removed from the site;
- (c) all services and utilities are to be disconnected at the property lines;
- (d) the site shall be left in a clean and tidy condition within 90 days from the date of issuance of the demolition permit;
- (e) should demolition not have commenced by the 90 day expiry date the building official may at his or her discretion cancel the permit by written notification. There shall be no refund for the demolition inspection permit and where applicable the security deposit shall be returned;
- (f) any request to extend the 90 day time limit shall be received 30 days prior to the date of expiry. The request shall be in writing from the owner or their agent and approved in writing by the building official; and
- (g) where required for industrial and commercial demolition sites the *Environmental Management Act* shall apply.

Delayed Demolition Requests

16.4 Upon written request by the owner, a demolition permit may be issued without service disconnects or hazardous materials remediation for a period of up to 180 days.

Security for Demolitions

- 16.5 Security deposits for demolition permits shall be required for all demolitions of buildings or structure requiring a permit in an amount prescribed within the City of Penticton Fees and Charges Bylaw.
- (a) the security deposit shall be held by the City until the site is restored to a safe and tidy condition to the satisfaction of the building official;
 - (b) if the owner fails to leave the site in a clean and tidy condition to the satisfaction of the building official with the 90 day time limit the City or its agent may enter, clean and tidy the site at the expense of the owner and costs shall be deducted from the security deposit;
 - (c) if the security deposit is insufficient to cover the costs of tidying and cleaning the site the owner shall within 30 days of invoice from the City pay the balance of the costs over the amount of the security deposit; and
 - (d) if the costs are unpaid on the 31st day of December in the year on which the demolition occurred the costs shall be added to and form part of the property taxes payable as taxes in arrears.

PART 17. FIRE ALARM PERMITS

17.1 Without limiting Section 6.3 of this bylaw, a person must not install, replace or alter a fire alarm system without making application and receiving a valid building permit.

Application Requirements

- 17.2 An application for a mechanical permit with respect to a residential occupancy for Simple buildings must
- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
 - (b) pay applicable application fee as prescribed with the City of Penticton Fees and Charges Bylaw, and
 - (c) two (2) sets design drawings and specifications prepared by a registered professional along with letters of assurance.

Professional Design and Commissioning

- 17.3 The design, installation, commissioning and maintenance shall conform to:
- (a) the B.C. Building Code; and
 - (b) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire suppression systems.
- 17.4 Where a permit is required, no engineered mechanical system shall be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

PART 18. MECHANICAL VENTILATION AND HEATING PERMITS

18.1 Without limiting Section 6.3 of this bylaw, a person must not install, replace or alter a mechanical ventilation or heating system without making application and receiving a valid building permit.

Application Requirements

- 18.2 An application for a mechanical permit with respect to a residential occupancy for Simple buildings must
- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
 - (b) pay applicable application fee as prescribed in the City of Penticton Fees and Charges Bylaw;
 - (c) provide heat load worksheet, appliance selection worksheet, and ventilation checklist.
- 18.3 An application for commercial cooking system, spray booth operation or wood dust collection system permit shall

- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (b) pay applicable application fee as prescribed in the City of Penticton Fees and Charges Bylaw;
- (c) two (2) sets design drawings, prepared by a registered professional along with letters of assurance.

Design Standards

- 18.4 The design, installation and maintenance for commercial cooking system, spray booth operation or wood dust collection system shall conform to:
- (a) the B.C. Building Code, Division B, Part 6 Heating and Ventilation and Air-conditioning;
 - (b) the B.C. Building Code, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting; and
 - (c) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire suppression systems.

Inspections and Commissioning

- 18.5 Where a mechanical and ventilation system has been installed or altered under permit for simple buildings or residential use, an inspection shall be requested before:
- (a) the system is covered up; or
 - (b) the system is used.
- 18.6 Where a mechanical system has installed or altered under permit for a commercial kitchen, spray booth or wood dust collection system, it shall not be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

PART 19. PLUMBING AND FIRE SUPPRESSION PERMITS

- 19.1 Without limiting Section 6.3 of this bylaw, a person must not install, replace or alter a plumbing or fire suppression system making application and receiving a valid building permit.

Application Requirements

- 19.2 An application for a plumbing or fire suppression permit shall
- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
 - (b) pay applicable application fee as prescribed in the City of Penticton Fees and Charges Bylaw;
 - (c) provide two (2) sets of isometric drawings where works are not performed by a qualified plumber for single family dwellings projects; or

- (d) provide two (2) sets drawings including design drawings, including storm water management systems, prepared by a registered professional along with letters of assurance.

19.3 The design, installation and maintenance of plumbing and fire suppression systems shall conform to:

- (a) the B.C. Plumbing Code;
- (b) the B.C. Building Code, Division B, Part 3, Section 3.2.5 Provisions for Fire Fighting; and
- (c) all relevant standards of the National Fire Protection Agency, (NFPA), pertaining to fire suppression systems.

Inspections and Commissioning

19.4 Where a plumbing system has been installed or altered under permit for a simple building, an inspection shall be requested before:

- (a) the system is covered up; or
- (b) the system is used.

19.5 Where a plumbing system or fire suppression system has been installed or altered under permit for a complex building it shall not be put into use until it has been tested and accepted by the registered professional who is responsible for its design, as applicable.

PART 20. POOL PERMITS

20.1 Without limiting Section 6.3 of this bylaw, a person must not construct, or structurally repair, a pool without making application and receiving a valid building permit.

Application Requirements

20.2 An application for a building permit with respect to a pool permit must:

- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (b) pay applicable application fee as prescribed in the City's Fees and Charges Bylaw;
- (c) provide a site plan showing the location and distances of the proposed pool and any accessory buildings in relation to existing buildings on the property;
- (d) construction details for the pool and the proposed method of enclosure of the pool area; and
- (e) approval of design from the Local Health Authority having jurisdiction, if the pool is accessible for public use.

Professional Design

- 20.3 In accordance with Section 11.3 of this Bylaw, professional design and field reviews may be required, subject to the complexity of the design and the condition of soils where the pool is to be located.

Fencing

- 20.4 A swimming pool, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22m and no openings greater than 100mm at their greatest dimension. Where the access to the swimming pool is from a dwelling located on the same property as the swimming pool, the access may be directly from the dwelling.
- 20.5 The fence or equivalent barrier referred to in Section 16.1 shall be of chain link type material, solid material with a flat vertical surface, or vertically oriented material.
- 20.6 A swimming pool fence or equivalent temporary barrier shall be in place, inspected and approved prior to placing the water in a pool.

Pool Gate

- 20.7 Access through a fence enclosing a swimming pool, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming pool, spa or hot tub side of the gate.
- 20.8 All openings or gates in the fence or barrier shall be locked closed when not in use.

Spa or Hot Tub Lid

- 20.9 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Above Ground Pools

- 20.10 A swimming pool which is located above ground and has vertical sides of at least 1.2m may be protected from access by fencing the access ladder to limit access, with a child resistant self-closing and self-latching gate through the fence.

Maintenance

- 20.11 A person may not use or occupy a swimming pool, including a spa or hot tub unless the owner or occupier of property on or in which a pool, spa or hot tub is located maintains every fence or cover required under Sections 20.4 to 20.10 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

20.12 A person may not obtain a valid and subsisting building permit for or use or occupy a pool without first delivering to the building official at the time of the building permit application an opinion of a registered professional that the design of the pool will not cause or result in leaks or other failures of the pool.

Drainage

20.13 Drainage from pools must be contained and disposed of on the same property as the pool is located and discharged to ground where practical to do so.

Public Pools

20.14 Pools intended for public use shall not be occupied until an Operating Permit for the pool has been issued by the Local Health Authority.

PART 21. RETAINING WALL PERMITS

21.1 Without limiting Section 6.3 of this bylaw, a person must not construct, or structurally repair, a retaining wall without a valid building permit.

Application Requirements

- 21.2 An application for a building permit with respect to a retaining building permit must
- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
 - (b) pay applicable application fee as prescribed in the City of Penticton Fees and Charges Bylaw;
 - (c) provide a site plan showing all buildings and structures and servicing locations.

Professional Design and Permit closure

21.3 A registered professional shall undertake the design and conduct field reviews of the construction and drainage of a retaining structure greater than 1.2m in height or where a sequence of walls are located closer than 2 horizontal to 1 vertical.

Site Safety Conditions

21.4 If a building official determines that an unsafe condition exists as the result of the construction of a retaining wall requiring a building permit, a guard or fence may be required.

PART 22. SOLAR PANEL PERMIT

22.1 Without limiting Section 4.3 of this bylaw, a person must not install or alter a solar panel system without making application and receiving a valid building permit.

Application Requirements

22.2 An application for a building permit with respect to solar panel system must

- (a) be made in the prescribed form and signed by the owner, or a signing officer if the owner is a corporation;
- (b) pay applicable application fee as prescribed in the City's Fees and Charges Bylaw;
- (c) be accompanied by plans showing the location of the proposed solar panel location in relation to existing buildings on the property in the form of a site plan drawn to scale;
- (d) construction details for the attachment of the panels to the building and provide a sealed drawing by a registered professional to confirm loading on structural members of building are designed to accommodate the anticipated loads for hot water solar systems and where photo-voltaic systems incorporate a ballast system.

22.3 For hot water systems, compliance with CAN/CSA-F383-87, Installation Code for Solar Domestic Hot Water Systems, as referred to in the British Columbia Building Code.

22.4 Prior to obtaining a permit for a photovoltaic solar panel system with connection to the City's electric system shall enter into a net-metering agreement with the City.

Commissioning

22.5 Prior to operating a solar panel system the owner shall provide:

- (a) verification from the registered professional of record, where applicable, and
- (b) for photo-voltaic systems a fire safety plan approved by the City of Penticton Fire Department for the identification of shut down procedures in the event of an emergency.

PART 23. TEMPORARY BUILDING PERMIT

23.1 Subject to the bylaws of the City and order of Council, the building official may issue a building permit for the erection or placement of a temporary building or structure for occupancy if

- (a) the permit is for a period not exceeding one year; and
- (b) the building or structure is located in compliance with the City's Zoning Bylaw, built in compliance with the Building Code and this bylaw, and connected, as required by enactments, to City utility services.

Application requirements

23.2 An application for a building permit for the erection or placement of a temporary building or structure must be made in the form of a temporary permit application on the prescribed form, signed by the owner or agent, and must include:

- (a) plans and supporting documents showing the location and building height of the building or structure on the parcel;
- (b) plans and supporting documents showing construction details of the building or structure;
- (c) application fee as prescribed in the City's Fees and Charges Bylaw;
- (d) a statement by the owner indicating the intended use and duration of the use;
- (e) plans and supporting documents showing the proposed parking and loading space;
- (f) a written description of the project explaining why the building is temporary;
- (g) a copy of an issued development permit, if required;
- (h) in the case of a manufactured building, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel building must be certified in accordance with CSA Standard A660;
- (i) a report or drawing by an engineer, architect or designer confirming compliance with the Building Code, this bylaw, the City's Zoning Bylaw and other applicable bylaws;
- (j) security as prescribed in the City's Fees and Charges Bylaw, which security may be used by the City to remove the building after one year of the date of the final inspection required under this bylaw; or
- (k) must be returned to the owner if the owner removes the temporary building within one year of the date of the final inspection of the temporary building required under this bylaw; and
- (l) in the case of a temporary building, information to comply with article 1.1.1.1(2)(f), Division C of the Building Code.

23.3 Before receiving a building permit for a temporary building or structure for occupancy, the owner must pay to the City the applicable building permit fee set out in the City's Fees and Charges Bylaw.

A permit fee for a temporary building or structure is not refundable.

PART 24. ACCESS ROUTE FOR FIRE DEPARTMENT ACCESS

- 24.1 Prior to the issuance of a building permit for a Simple building of multi-family or commercial occupancy under Part 9 of the Building Code, the owner must satisfy the building official that the building or structure for which the permit is issued will be served by a fire access route that satisfies the following:
- (a) the width of an access route must be not less than 6.0 meters;
 - (b) the centerline radius of an access route must be less than 12.0 meters;
 - (c) the overhead clearance of an access route must be 5.0 meters;
 - (d) the gradient of the access route must not change more than 1 in 12.5 over a minimum distance of 15.0 meters;
 - (e) the access route must comply with the bearing load and surface material standards of the City's Subdivision and Servicing Bylaw, as amended or replaced from time to time; and
 - (f) the length above which a dead-end portion of an access route requires turnaround facilities is 90.0 meters.

PART 25. CLIMATIC DATA

- 25.1 The climatic data for the design of buildings in the City shall be the data listed in the current edition of Division B Appendix C to the Building Code for Penticton, British Columbia.

PART 26. ENERGY CONSERVATION and GHG EMISSIONS REDUCTION

Step Code Requirements

- 26.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the Step Code as outlined in the Building Code in accordance with Sections 26.2 and 26.3.
- 26.2 A building regulated by Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in
- (a) Step 1 of the Step Code as of March 15, 2019 for all Part 9 residential buildings;
 - (b) Step 3 of the Step Code as of March 15, 2020 for
 - i) Single Detached Housing;
 - ii) Duplex Housing;
 - iii) Three-plex Housing;
 - iv) Four-plex Housing;
 - v) Rowhousing; and
 - vi) Low Rise Apartment Housing; and
 - vii) Accessory Suites

26.3 Any dwelling which achieves a minimum of Step 3, of the Step Code , prior to March 15, 2020, will receive a building permit fee discount rebate as prescribed within City of Penticton Fees and Charges Bylaw for which the permit was authorized.

PART 27. FINISHED GRADES and SLOPE RETENTION

- 27.1 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed or excavation into natural grade on a parcel must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally, unless restrained by a permitted retaining wall.
- 27.2 Retaining walls are not permitted to be constructed of stacked un-cemented rock or boulders or creosoted timbers.
- 27.3 No person may occupy a building unless the finished grade complies with all applicable enactments.
- 27.4 The maximum grade for a residential driveway shall not exceed 20%.

PART 28. NUMBERING OF BUILDINGS

- 28.1 Immediately upon issuance of a building permit governing the construction, alteration or repair of a building, or prior to and during occupancy of a building, the owner or occupant must display the address number assigned to it by the City:
- (a) on or over the entrance to the building or where landscaping or structures obscure the visibility of a building entrance from the adjacent highway, on the building property within sight of the adjacent highway; and
 - (b) until such time as the building is removed from the site or has been demolished.
- 28.2 Despite Section 28.1 the City's Engineer may renumber or alter the assigned numbers in respect of any building or any parcel, including those already in existence or numbered.
- 28.3 Without limiting Sections 28.1 or 28.2, a building official must, on the issuance of a building permit, designate a house number or set of house numbers related to the building authorized by the permit. The owner or occupier must post the number or numbers on the site immediately after obtaining the building permit and keep the numbers posted in a conspicuous location at all times during construction.
- 28.4 Without limiting Sections 28.1 through 28.3, on issuance of an occupancy permit, the owner or occupier of the parcel must affix the numbers permanently in a conspicuous place on the building such that the number is visible from an adjacent highway that is not a lane.

PART 29. TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION

- 29.1 Where a temporary residence is required during the period of construction of a new residence, the following conditions shall apply:
- (a) no more than one temporary residence shall be permitted on a lot and the lot shall be not smaller than 0.4ha (0.9884 acres);
 - (b) the temporary residence may include a modular manufactured home or an existing single family dwelling legally sited on the subject property;
 - (c) a manufactured home or modular manufactured home that is used for a temporary dwelling shall be sited in conformity with the regulations of this bylaw and the Provincial Health Act and shall not be sited on a permanent foundation with a basement excavation;
 - (d) the temporary residence shall be removed from the owner's land within 30 days of the end of the period of construction of the new residence except that the temporary residence may be converted to any non-residential use permitted within the applicable zone subject to compliance with all other regulations of the applicable zone with respect to density and the siting, size, and dimensions of the building;
 - (e) removal of all kitchen and bathroom cabinets, plumbing fixtures, hot water tanks, furnaces, and sewer connections except that some of said facilities may be retained for home occupation and workshop purposes as determined by the building official;
 - (f) refinishing of the exterior of the building to portray a building intended for the proposed use; and
 - (g) completion of the conversion within 30 days of the end of the period of construction of the new residence;
 - (h) a covenant shall be registered pursuant to Section 219 of the Land Title Act to permit the temporary residence during the period of construction and to prohibit the temporary residential use from continuing after the period of construction ends. The covenant shall also include an agreement by the owner to indemnify and save harmless the City against all costs and expenses incurred by the City, in default by the owner, in the conversion, demolition, or removal of the temporary residence, and/or legal costs incurred in pursuing such legal remedies as the City sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the new residence;
 - (i) a blanket statutory right-of-way shall be granted to the City permitting the City to enter onto the owner's land for the purpose of converting, demolishing, or removing the temporary residence in the event that the owner defaults. The statutory right-of-way plan shall be registered as a condition precedent to the issuance of a building permit for the new residence;
 - (j) an irrevocable unconditional letter of credit shall be drafted in favour of the City, to be held as security for performance by the owner of his covenants and obligations with respect to the conversion, demolition or removal of the temporary residence. The amount of the letter of credit shall be 1.5 times the estimated cost of conversion, demolition, or removal of the temporary residence, which estimate shall be obtained from a qualified building, demolition, or moving contractor. The letter of credit shall be provided as a condition precedent to the issuance of a

building permit for the new residence. Notwithstanding the above provisions and where a manufactured home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of \$1,500.00 may be accepted by the Building Official. Where a modular manufactured home is intended to be used as the temporary residence, a letter of credit or certified cheque in the amount of \$3,000.00 may be accepted by the building official; and

- (k) for the purposes of this section, "period of construction" shall mean the period of time commencing when a building permit is issued for the new residence and ending either one year from the date of issuance of the permit or when a notice of conversion, demolition, or removal is delivered to the owner, whichever event first occurs. The notice of conversion, demolition, or removal of the temporary residence shall be in writing and delivered from the office of the building official of the City.

PART 30. OFFENCES AND ENFORCEMENT

Violations

30.1 Without limiting Part 7 of this bylaw, every person who

- (a) violates a provision of this bylaw;
- (b) permits, suffers or allows any act to be done in violation of any provision of this bylaw; and
- (c) neglects to do anything required to be done under any provision of this bylaw;

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

30.2 Every person who fails to comply with any order or notice issued by a building official, or who allows a violation of this bylaw to continue, contravenes this bylaw.

30.3 Every person who commences work requiring a building permit without first obtaining such a permit must, if a Stop Work Order is issued and remains outstanding for 30 days, pay an additional charge as outlined in the City bylaws.

Deemed Offence

30.4 An owner is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the owner owns and any change in the use, occupancy or both of a building or structure or part of a building or structure on that parcel.

30.5 No person is deemed liable under Section 30.4 who establishes, on a balance of probabilities, that the construction of change of use or occupancy occurred before they became the owner of the parcel.

30.6 Nothing in Section 30.5 affects

- (a) the City's right to require and the owner's obligation to obtain a permit; and

- (b) the obligation of the owner to comply with this bylaw.

Ticketing

30.7 The offences in the Bylaw Notice Enforcement Bylaw and Municipal Ticketing Information Bylaw are designated for enforcement under Section 264 of the *Community Charter*.

PART 31. UNSAFE CONDITIONS

- 31.1 If the supply of electricity or natural gas has been disconnected due to a hazardous or potentially hazardous situation existing in the building or structure or part thereof, the supply of electricity or natural gas to the building or structure shall not be reconnected, the building shall not be occupied until
- (a) the owner has applied to the building official for a special safety inspection pursuant to this part and has paid the required fees;
 - (b) the building, structure or part thereof has been inspected by the building official and, if considered necessary by the building official, by the City Fire Chief for compliance with this bylaw and any other bylaws or Provincial statutes or regulations relating to building, electrical, gas or fire safety;
 - (c) the owner has obtained permits required to carry out the works necessary to bring the building, structure or part thereof into compliance with the bylaws, statutes, and regulations; and
 - (d) all of the works referred to in Section 31.1(c) have been completed and the building or structure has been brought into compliance with bylaws, statutes and regulations.

PART 32. REPEAL

32.1 "City of Penticton Building Bylaw No. 94-45 (1994)" and all amendments thereto are hereby repealed upon adoption of this bylaw.

PART 33. IN FORCE

33.1 This bylaw comes into force and takes effect on November 1, 2018.

READ A FIRST time this	21 day of	August, 2018
READ A SECOND time as AMENDED this	18 day of	September, 2018
READ A THIRD time this	18 day of	September, 2018
ADOPTED this	2 day of	October, 2018

Original signed by

Andrew Jakubeit, Mayor

Original signed by

Dana Schmidt, Corporate Officer