

The Corporation of the City of Penticton

Bylaw No. 2021-21

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. 2021-21".

PART 2. TABLE OF CONTENTS

PART 1.	TITLE	1
PART 2.	TABLE OF CONTENTS	2
PART 3.	SEVERABILITY	3
PART 4.	INTERPRETATION	3
PART 5.	PURPOSE OF THE BYLAW	8
PART 6.	SCOPE AND EXEMPTIONS	8
PART 7.	PROHIBITIONS	10
PART 8.	POWERS OF A BUILDING OFFICIAL	11
PART 9.	OWNER'S RESPONSIBILITIES	13
PART 10.	OBLIGATIONS OF OWNER'S CONSTRUCTOR	15
PART 11.	REGISTERED PROFESSIONAL'S RESPONSIBILITIES	16
PART 12.	REQUIRED PERMITS	17
PART 13.	CONDITIONS OF PERMIT	18
PART 14.	PERMIT REQUIREMENTS FOR SIMPLE AND COMPLEX BUILDINGS	19
PART 15.	BUILDING MOVE PERMIT	38
PART 16.	DEMOLITION PERMITS	39
PART 17.	PART 17: FIRE ALARM PERMITS	42
PART 18.	MECHANICAL VENTILATION AND HEATING PERMITS	42
PART 19.	PLUMBING AND FIRE SUPPRESSION PERMITS	43
PART 20.	POOL PERMITS	44
PART 21.	RETAINING WALLS AND GRADES	46
PART 22.	SOLAR PANEL PERMIT	47
PART 23.	TEMPORARY BUILDING PERMIT	48
PART 24.	ACCESS ROUTE FOR FIRE DEPARTMENT ACCESS	49
PART 25.	CLIMATIC DATA	49
PART 26.	ENERGY CONSERVATION and GHG EMISSIONS REDUCTION	49
PART 27.	NUMBERING OF BUILDINGS	51
PART 28.	TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION	52
PART 29.	OFFENCES AND ENFORCEMENT	53
PART 30.	UNSAFE CONDITIONS	54
PART 31.	REPEAL	54
PART 32.	IN FORCE	55

PART 3. SEVERABILITY

- 3.1 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 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 current British Columbia's **Architects Act**

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

"Building Act" means the current British Columbia's **Building Act**

"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 current British Columbia's **Engineers and Geoscientists Act**

"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;

"manufactured home" means **mobile home** or **modular home** as defined in this bylaw;

"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 occupancy 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;

"reviewed" means **reviewed** by the **building official** under the applicable provisions of the **Building Code** and this bylaw;

"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 BC 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** or **construction** 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**, anchorage), 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 addresses 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 occupancy 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 **reviewed** 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.
- 7.11. A person must not cover or conceal any **works** required to be inspected under this bylaw without first obtaining written acceptance from a **building official**.

- 7.12. A person must not continue any **work** if a Stop **Work** Order is posted by a **building official** other than the remedial actions required by the notice.
- 7.13. A person must not occupy a **building, structure**, or part of a **building** or **structure** if a Do Not Occupy Notice is posted by a **building official**.

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 digital, or hard copy 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, there is a violation of
- (a) a condition under which the **permit** was issued;

- (b) any 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) the results of any tests carried out pursuant are not satisfactory to the **building official**;
- (g) such **permit** revocation may be delivered by written notice 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 occupancy 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. Subject to Part 12 of this bylaw, every **owner** must apply for and obtain a **permit**, prior to

- (a) **Construction** or replacement of new **buildings** and **structures**;
- (b) **Additions** to **buildings** or **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 **additions** to plumbing systems, including the installation of solar hot water systems;
- (g) Installation and **alteration** of fire protection sprinkler systems;
- (h) Installation of **temporary buildings**, including fabric covered **structures**;
- (i) 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;
- (j) Installation or **alteration** of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection to systems to NFPA 664;
- (k) **Construction**, installation, or **alteration** of chimneys or fire places;
- (l) Installation of solid fuel burning appliances;
- (m) **Construction**, **additions**, or **alterations** of **on-site services** for **manufactured home** parks;
- (n) **Construction**, **additions**, or **alterations** of **on-site services** for campgrounds or recreation vehicle parks;

9.2. 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**.
- 9.3. 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 be 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.
- 9.4. Every **owner** must allow a **building official** to enter any **building** or premises at any reasonable time to administer and enforce this bylaw.
- 9.5. 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

- 9.6. 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**.
- 9.7. 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** and prior to Occupancy, 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

- 9.8. 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**.
- 9.9. 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.

- 9.10. 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**.
- 9.11. 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 occupancy inspection can be made.
- 9.12. 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**.
- 9.13. 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.
- 9.14. 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) an occupancy 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 an occupancy 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) repair and **alteration** of fire separation assemblies;
 - (j) installation of **temporary buildings**; including fabric covered **structures**;
 - (k) installation or **alteration** of heating and ventilation systems for residential **simple buildings**;

- (l) 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;
 - (m) installation or **alteration** of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection systems pursuant to NFPA 664;
 - (n) **construction**, installation or **alteration** of chimneys or fireplaces;
 - (o) installation of solid fuel burning appliances;
 - (p) **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;
 - (q) the moving or relocating of new or **existing buildings**, including site **construction**;
 - (r) **construction** or **alteration** of **pools** or **pool** fences;
 - (s) change of occupancy classification for a **building** or part of a **building**;
 - (t) **construction** of a new secondary or accessory suite;
 - (u) demolition of **buildings** or **structures**;
 - (v) installation of solar photovoltaic or passive hot water systems; and for
 - (w) 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**.

Alternative solutions

- 13.5 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, Architect or qualified person(s), 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**.

PART 14. PERMIT 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**.
- 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 officer 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) 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**;
- (e) include a **Building Code** compliance summary including the applicable edition of the **Building Code**, such as without limitation the **building** is designed under Part 3 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;
- (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 **construction** fire safety plan, material staging and trucking route plan;
- (h) 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**;

- (i) 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;
- (j) 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;
- (k) 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;
- (l) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** conforms to the **Building Code**;
- (m) 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**;
- (n) 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;
- (o) 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**;
- (p) 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**;

- (q) 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;
- (r) include fire flow calculations confirming adequate water supply for firefighting;
- (s) include all documentation required by **City** procedure, as amended from time to time.
- (t) Include **Alternative Solution** as per 13.5

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 driveway 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; solar ready provisions, 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, the **building** is designed under Part 9 and compliance with article 2.2.2.1.(2), Division C of the **Building Code**;
- (q) **Alternative Solution** as per 13.5; and
- (r) 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

Site and Location Information

14.9 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 the placement of concrete for **foundations**, 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.

14.10 An application for a **permit** may be refused when

- (a) Any of the requirements of this section have not been satisfied;
- (b) The proposed **construction** would contravene the requirements of the **Building Code** or the provisions of this or any other bylaw of the **City**; or
- (c) The applicant or **owner** has been notified of a violation of this or any other bylaw of the **City** with regard to **construction**, occupancy or use any **building, structure** or part thereof, and such violation has not been remedied.

Building Permit Fee

14.11 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**.

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

Valuation for Permit

14.13 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.

14.14 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

14.15 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) Delayed Demolition **permits**;
- (c) **Foundation** only **building permits** for Complex **projects**;
- (d) **Temporary building permits**; and
- (e) Occupancy Deposit (Partial)

14.16 The security deposit sum set out in Section 14.15 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.

14.17 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.

14.18 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.

14.19 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 14.15 to 14.16.

Permit Fee Refunds

- 14.20 No fee or part of a fee paid to the **City** may be refunded if **construction** of the **building** has started.
- 14.21 The **building official** may approve a refund of a fee or portion thereof only if plan checking has not commenced.
- 14.22 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.
- 14.23 A **building permit** or other **permit** fee is not refundable after the **permit** has been extended under Section 14.61 of this part.
- 14.24 Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

Design Modification

- 14.25 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

- 14.26 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.
- 14.27 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

- 14.28 A **building permit** application expires 90 days from the date of an application unless the **permit** is not issued or the delay is caused the **City**.

Cancellation of Application

14.29 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

14.30 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 **working** days for **Simple building permit** applications; or
- (b) 45 **working** days for **Complex building permit** applications.

14.31 If the denial notice is not provided within the timeframes outlined in Section 14.30 (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

14.32 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.

14.33 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

- 14.34 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.
- 14.35 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*.
- 14.36 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

- 14.37 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.
- 14.38 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.
- 14.39 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

- 14.40 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

- 14.41 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**.
- 14.42 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.
- 14.43 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.
- 14.44 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** on-site orientation - site review when required by the **building official**;
 - (b) Footings/excavation - after preparation for footings are complete, prior to placement of concrete;
 - (c) **Foundation** - after forms for **foundation** walls are completed, location certificate submitted and **reviewed** by a building official, prior to placement of concrete;
 - (d) Dampproofing/draintile/roof drains - after damp-proofing and **foundation** drainage are in place, prior to backfilling;
 - (e) Sewer services - 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) Plumbing under-slab - plumbing and underground fire suppression supply lines, prior to covering;
 - (h) **Foundation**/Slab Insulation – prior to backfilling **foundation** walls or pouring slabs where required insulation would be covered

- (i) Radon/Soil Gas Control - 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;
- (j) Plumbing Rough-in - installation of rough-in plumbing, on-site constructed tubs or showers and tub or shower trap tests when complete and under test, prior to covering;
- (k) installation of mechanical ventilation and heating systems, including solar ready installations prior to covering;
- (l) Framing - 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**;
- (m) Fire Separations/fire blocking – installation of required fire separations prior to covering
- (n) Insulation Vapour/Air Barrier - 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**;
- (o) Plumbing Final – all plumbing requirements for **occupancy**; and
- (p) Occupancy / Completion - 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.

14.45 Where required, additional inspections may be required in the following cases:

- (a) **Retaining walls** shall be inspected in accordance with Section 21 of this bylaw;
- (b) Moving of building shall be inspected in accordance with the requirements of Section 15 of the bylaw;
- (c) Swimming **pools** and fences shall be inspected upon completion and prior to filling the **pool** with water pursuant to Section 20 of this bylaw;
- (d) **On-site services** shall be inspected in accordance with Section 19 and any other inspection that may be required pursuant of this bylaw;
- (e) **Manufactured home** parks, campgrounds and RV parks shall require inspections pursuant to Section 23 of this bylaw;

14.46 A **building official** will only carry out an inspection under Section 14.44 if the **owner** or the **owner's agent** has requested the inspection online or in writing in accordance with this bylaw.

14.47 No person may conceal any aspect of the **work** referred to in Section 14.44 of this bylaw until a **building official** has **accepted** it in writing.

Complex building Commissioning

14.48 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

- 14.49 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*.
- 14.50 The **coordinating registered professional** may request, in writing, that the **building official** order 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 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.
- 14.51 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 14.49.
- 14.52 The **owner** must immediately, after the posting of a notice under Section 14.49, 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**.
- 14.53 Subject to 14.49, no **work** other than the required remedial measures may be carried out on the parcel affected by the notice referred to in Section 14.49 until the stop **work** order notice has been removed by the **building official**.

- 14.54 The notice referred to in Section 14.49 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 14.55 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**.
- 14.56 If a notice is posted under Section 14.55, 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

- 14.57 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

- 14.58 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**.
- 14.59 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**.

- 14.60 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

- 14.61 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.
- 14.62 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 a period of time as the **building official** considers reasonable to a maximum of one year, 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

- 14.63 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**.
- 14.64 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".
- 14.65 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".
- 14.66 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

- 14.67 Upon written request by the **owner/agent**, a **building official** may issue a partial occupancy inspection notice for 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 14.71 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.

14.68 The **owner**, developer or builder shall ensure that no unsafe condition exists or will exist resulting from the **work** being undertaken or not completed.

14.69 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.

14.70 The **building official** may revoke an approval for partial occupancy for failure to comply with any conditions of the approval.

Occupancy

14.71 No person may occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy inspection notice has been issued by a **building official** for

- (a) 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.

14.72 An occupancy 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 14.41 to 14.47 and 14.48 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 **alternative 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 Qualified Person(s) responsible the **alternative solution**, that the **construction** substantially complies with the requirements set out in the **alternative solution** report.

14.73 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 certificate 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.

Completion

- 14.74 A Completion inspection will stand for **projects** such as **retaining walls**, **pools**, solar panels, mobile-**modular homes**, and demolition **permits**.

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**.

Completion Conditions

- 15.7 All **construction** including relocations, **alterations** and **additions** for relocated **manufactured homes**, **mobile homes** or other **buildings** shall be completed with 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 Delayed Demolitions

16.5 Security deposits for demolition **permits** shall be required for all delayed 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. 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 fire alarm **permit** with respect to any occupancy 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 alarm systems.
- 17.4 Where a **permit** is required, no engineered 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 and installation, 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 20.4 shall be of chain link type material, provided the openings do not exceed five centimetres (5 cm), 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**.
- 20.7 Fences or barriers for swimming **pools** are not required on properties zoned Agricultural or Rural Residential, as established by the City of Penticton Zoning Bylaw, where the **pool** is located forty-five metres (45 m) or more from the nearest property line

Pool Gate

- 20.8 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.
- 20.9 All openings or gates in the fence or barrier shall be locked closed when not in use.

Spa or Hot Tub Lid

- 20.10 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

- 20.11 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

- 20.12 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 20.11 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

- 20.13 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

- 20.14 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

- 20.15 **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 WALLS AND GRADES

- 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**;
- (a) greater than 1.2m in height; or
 - (b) where a sequence of walls are located closer than 2 horizontal to 1 vertical.
 - (c) where site drainage is impacted as determined by the **City**;
 - (d) where other geotechnical concerns exist as determined the **City**; or

- (e) where the **retaining wall** is supporting another **building** or **structure**, a letter of assurance in the form of Schedule B pursuant to the **Building Code**, signed by a registered professional.

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.

Finished Grades and Slope Retention

- 21.5 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**.
- 21.6 **Retaining walls** are not **permitted** to be **constructed** of stacked un-cemented rock or boulders or creosoted timbers.
- 21.7 No person may occupy a **building** unless the finished grade complies with all applicable enactments.
- 21.8 The maximum grade for a residential driveway shall not exceed 20%.

PART 22. SOLAR PANEL PERMIT

- 22.1 Without limiting Section 4.3 of this bylaw, a person must not install or alter a solar domestic hot water system or photovoltaic 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 solar domestic hot water systems and where photovoltaic solar 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 photovoltaic 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 occupancy 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 occupancy 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 BC Energy **Step Code** as outlined in the **Building Code** in accordance with Sections 26.2 and 26.3.
- 26.2 From the date of adoption of this bylaw, a **building** regulated by Part 3 or Part 9 of the **Building Code** must be designed and constructed to meet the following:

Building Type:	Step Required:
Part 9 buildings, 3 stories or less and not exceeding 600m²	
Group C residential	Step 3 as of Jan 1 st 2021
Group D business and personal service occupancies	Step 1 as of Jan 1 st 2022
Group E mercantile occupancies	Step 1 as of Jan 1 st 2022
Part 3 Buildings	
Group C residential, 6 stories or less and combustible construction (not including hotel and motel occupancies)	Step 1 as of Jan 1 st 2022
Group C residential greater than 6 stories or non-combustible construction (not including hotel and motel occupancies)	Step 1 as of Jan 1 st 2022
Group D business and personal service occupancies or Group E mercantile occupancies	Step 1 as of Jan 1 st 2022

- 26.3 For a Part 9 or Part 3 building or **structure** that is designed in compliance with the applicable step of the BC Energy **Step Code** but where the constructed building or **structure** does not meet the performance requirements of the applicable step of the energy **Step Code**, the building official may issue an inspection note for partial occupancy, or occupancy of the building or **structure** and a Section 57 of the Community Charter will be registered against the property title stating that the building or **structure** has not met the design requirements for the applicable step of the BC Energy **Step Code**.
- 26.4 The **owner** of any **building** subject to a requirement under section 26.1 or section 26.2 must do the following prior to the issuance of any occupancy **permit** in respect of the **building**:
- submit to the **City** a BC Energy Compliance Report – As built with all sections including section “F” completed; and
 - affix one of the following home energy labels to the **building** in a conspicuous location, upon or in close proximity to the electrical panel:
 - an EnerGuide Rating System label
 - a Passive House Certification; or

- (iii) a comparable home energy label acceptable to the **City's** Manager of **Building** and **Permitting** Services.

- 26.5. Any dwelling, which achieves a minimum of Step 04 of the **Step Code**, will receive a building **permit** fee discount rebate as prescribed with City of Penticton Fees and Charges Bylaw for which the **permit** was authorized.
- 26.6. Prior to receiving a building official's written acceptance for sub-section 14.4 (n), the **owner** shall submit a mid-construction compliance report as prescribed within the BC Building Code.

Solar Hot Water & Photovoltaic Solar Ready

- 26.7. Except for 26.5, applications for building **permits** for construction of new buildings of residential occupancy that contain one dwelling unit or one dwelling unit and one secondary suite must contain plans or other information satisfactory to the Building Official to confirm that the construction complies with the Solar Hot Water Ready Regulation, BC Reg. 101/2011, as it may be amended or replaced from time to time.
- 26.8. Where it is shown to the satisfaction of the Building Official that building site conditions do not **permit** the effective use of solar hot water heating or PV systems, section 26.7 does not apply.

Refer to Part 22, Solar Panel **Permit** for installing a solar PV or hot water system.

PART 27. NUMBERING OF BUILDINGS

- 27.1 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.
- 27.2 Despite Section 27.1 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.
- 27.3 Without limiting Sections 27.1 or 27.2, 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**.
- 27.4 Without limiting Sections 27.1 through 27.3, 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 28. TEMPORARY RESIDENCE DURING PERIOD OF CONSTRUCTION

- 28.1 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 29. OFFENCES AND ENFORCEMENT

Violations

29.1 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.

29.2 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.

29.3 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

29.4 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.

29.5 No person is deemed liable under Section 29.4 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.

29.6 Nothing in Section 29.5 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

29.7 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 30. UNSAFE CONDITIONS

- 30.1 If the supply of electricity or natural gas have 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 30.1(c) have been completed and the **building** or **structure** has been brought into compliance with bylaws, statutes and regulations.

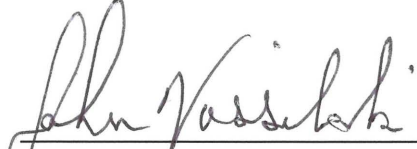
PART 31. REPEAL

- 31.1 **City** of Penticton "**Building** Bylaw No. 2018-01" and all amendments thereto are hereby repealed upon adoption of this bylaw.


PART 32. IN FORCE

32.1 This bylaw is effective date of adoption.

READ A FIRST time this	1 day of	June, 2021
READ A SECOND time this	1 day of	June, 2021
READ A THIRD time this	1 day of	June, 2021
ADOPTED this	15 day of	June, 2021



John Vassilaki, Mayor



Angie Collison, Corporate Officer