

# TOWN OF SMITHERS

## BUILDING BYLAW

### BYLAW NO. 1435

#### *A bylaw for the administration of the British Columbia Building Code*

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**WHEREAS** section 694 (1) of the *Local Government Act* authorizes the Town of Smithers, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

**AND WHEREAS** the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

**AND WHEREAS** it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE THE COUNCIL OF THE TOWN OF SMITHERS, in open meeting assembled, enacts as follows:

#### 1. Title

- 1.1 This bylaw may be cited for all purposes as the "Town of Smithers Building Bylaw No. 1435".

#### 2. Definitions

- 2.1 In this bylaw:

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

***Building*** means any structure used or intended for supporting or sheltering any use or occupancy.

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

**Building Official** includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Town of Smithers.

**Building Permit** means those certain documents authorizing construction, the forms of which are set out in Schedules which are attached to and form part of this Bylaw.

**Bylaw Enforcement Officer** means the person appointed by the Town as Bylaw Enforcement Officer for the Town;

**Complex Building** means:

- (a) all **buildings** used for **major occupancies** classified as
  - (i) **assembly occupancies,**
  - (ii) **care or detention occupancies,**
  - (iii) **high hazard industrial occupancies,** and
- (b) all **buildings** exceeding 600 square meters in **building area** or exceeding three storeys in **building height** used for **major occupancies** classified as
  - (i) **residential occupancies,**
  - (ii) **business and personal services occupancies,**
  - (iii) **mercantile occupancies,**
  - (iv) **medium and low hazard industrial occupancies.**

**Health and safety aspects of the work** means design and construction regulated by Part 1, Part 2 Part 3, Part 4, Part 6, Part 7 and sections 9.4, 9.7, 9.8, 9.9, 9.10, 9.13, 9.14, 9.15, 9.17, 9.18, 9.19 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, 9.34, and 9.36 of Part 9 of the **Building Code**.

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

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

**Structure** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 meters in height and not supporting an occupancy.

**Temporary** refers to a structure intended to be erected or placed on a parcel of land for twenty-four months or less;

**Town** means the Town of Smithers or the geographical area within its boundaries, as the context requires;

**Value** means the figure which is:

- (a) the contract price for all construction work, or
- (b) the figure stated by the applicant of the value of the work shown on the application and acceptable to the Building Inspector.

### 3. Purpose of Bylaw

- 3.1 The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This bylaw has been enacted for the purpose of regulating construction within the Town of Smithers in the general public interest. The activities undertaken by or on behalf of the Town of Smithers pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of

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health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend

3.2.1 to the protection of **owners**, owner/builders or **constructors** from economic loss;

3.2.2 to the assumption by the Town of Smithers 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 him or her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;

3.2.3 to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this bylaw;

3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Town of Smithers is free from latent, or any defects.

#### 4. Permit Conditions

4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.

4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Town of Smithers shall in any way relieve the **owner** or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and or other applicable enactments respecting safety.

4.3 It shall be the full and sole responsibility of the **owner** (and where the **owner** is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the **Building Code** and this bylaw or other applicable enactments respecting safety.

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- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Town of Smithers constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.
- 4.6 Any owner of Property for which a Permit is issued shall be responsible for the cost of repair of any damage to municipal works or property that occurs as a result of work performed under the permit.
- 4.7 Any owner of property for which a Permit is issued shall conform to all requirements of this part and all other statutes and bylaws in force in the Town of Smithers.

## 5. Scope and Exemptions

- 5.1 This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation and **occupancy** of existing **buildings** and **structures**.
- 5.2 This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, nor to retaining **structures** less than 1.5 meters in height or that are part of a building or structure that does not support an occupancy.

## 6. Prohibitions

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the **occupancy** of any **building** or **structure**, including excavation or

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other work related to construction unless a **building official** has issued a valid and subsisting permit for the work.

- 6.2 No person shall occupy or use any **building** or **structure** unless a valid and subsisting occupancy permit has been issued by a **building official** for the **building** or **structure**, or contrary to the terms of any permit issued or any notice given by a **building official**.
- 6.3 No person shall knowingly submit false or misleading information to a **building official** in relation to any permit application or construction undertaken pursuant to this bylaw.
- 6.4 No person shall, unless authorized in writing by a **building official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a **building** or **structure** pursuant to this bylaw.
- 6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a **building, structure** or other works for which a permit has been issued, unless that variance has been accepted in writing by a **building official**.
- 6.6 No person shall obstruct the entry of a **building official** or other authorized official of the Town of Smithers on property in the administration of this bylaw.
- 6.7 No person shall connect downspout, drains or surface runoff to a building sewer or building drain leading to the sanitary drainage system.

## 7. Building Officials

- 7.1 Each **building official** may:
  - 7.1.1 administer this bylaw;
  - 7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm or electronic copies of such documents; and

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7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.

#### 7.2 A **building official**.

7.2.1 may enter any land, **building**, **structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;

7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant twenty-four (24) hours in advance of entry; and

7.2.3 shall carry proper credentials confirming his or her status as a **building official**.

7.3 A **building official** may order the correction of any work that is being or has been done in contravention of this bylaw.

## 8. Applications

8.1 Every person shall apply for and obtain:

8.1.1 a building permit before constructing, repairing or altering a **building** or **structure**;

8.1.2 a moving permit before moving a **building** or **structure**:

a) Moving Applications & Permits shall be obtained from the Building Inspector, by the owner (or his duly authorized agent), prior to the moving of buildings and structures, into, out of, or within the Town;

b) the Owner (or his duly authorized agent) is responsible for:

(i) complying with the requirements of this Bylaw regulating building, plumbing and demolition of works and services;

(ii) complying with the requirements of any other Bylaw of the Town;

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- (iii) complying with the requirements of all other regulating bodies; and
  - (iv) ensuring the building or structure is certified structurally sound, for moving purposes, by a practicing engineer registered in the Province of British Columbia.
- 8.1.3 a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid building permit.
- 8.1.4 a new valid permit for any work to be completed for which a building permit was issued where that permit has subsequently lapsed.
- 8.1.5 Prior to commencing any plumbing work:
- a) if not already done, arrange for connection to Town water, sanitary sewer and storm sewer services, where services are available;
  - b) arrange the plumbing to suit the location of the connection provided for the lot by the Town;
  - c) arrange for dye-testing the sanitary sewer service as witnessed by the Building Inspector prior to backfilling the service line trench; and
  - d) where Town sanitary sewer connection is not available to the property, a sewage disposal system (approved by the Medical Health Officer) must be installed.
- 8.1.6 a demolition permit before demolishing a **building or structure**;
- a) demolition is sought or required by Bylaw, or by regulation, for any building, structure, works or services, and includes underground piping, foundations and tanks;
  - b) every applicant for a demolition permit shall submit a Site Profile in accordance with the Contaminated Sites Regulation, B.C. Reg. 375/96. Sections I, II, III, and XI of the Site Profile must be completed in all cases, even if the applicant would otherwise be exempt from submitting a Site Profile under B.C. Reg. 375/96. Site

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Profiles must be submitted on the form prescribed in B.C. Reg. 375/96;

when a Site Profile has been forwarded to a “manager” as per B.C. Reg. 375/96, an application for a demolition permit under this bylaw shall not proceed until the said “manager” has advised the municipality that a site investigation under Section 20.2 of the *Waste Management Act* will not be required, or until the municipality has received a valid and subsisting approval in principle, conditional certificate of compliance, or certificate of compliance under Section 20.71 of the *Waste Management Act.*”;

- c) the owner (or his duly authorized agent) and the Contractor shall abide by the following requirements:
- (i) arrange for the Town to disconnect and cap water and sewer service lines to the property, prior to demolition;
  - (ii) arrange disconnection of all power, telephone and gas lines, prior to demolition;
  - (iii) obtain from the Town any additional permits required for street closures, and notify all regulating bodies, prior to demolition;
  - (iv) protect, as per Building Code Requirements (Part 8 “Safety Measures and Construction and Demolition Sites”) all public sidewalks, thoroughfares and streets, prior to demolition;
  - (v) remove all demolition materials and foundations from the site, fill and level all excavations, and leave the site in a tidy manner;
  - (vi) damages to utilities, adjoining properties and all liabilities during demolition are the responsibility of the Owner (or his duly authorized agent) and the Contractor;

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(vii) ensure compliance with Heritage Bylaws(s), where applicable; and

(viii) all above items are to be fully complied with within ninety (90) days of the date of issuance of the Demolition Permit.

- 8.2 An application for a moving permit shall be made in the form attached as Form "A" to this bylaw.
- 8.3 An application for a demolition permit shall be made in the form attached as Form "A" to this bylaw.
- 8.4 An application for a fireplace and chimney permit shall be made in the form attached as Form "A" to this bylaw.
- 8.5 All plans submitted with permit applications shall bear the name and address of the **designer** of the **building** or **structure**.
- 8.6 Each **building** or **structure** to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that **building** or **structure** as determined in accordance with Schedule A to this bylaw.

## 9. Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a **complex building** shall;
- 9.1.1 be made in the form attached as Form "A" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
- 9.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form "M" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;

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- 9.1.3 include a copy of a title search made within 30 days of the date of the application;
- 9.1.4 include a site plan prepared by a British Columbia Land Surveyor, a Registered Survey Technologist or by a Registered Professional showing:
- 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - 9.1.4.2 the legal description and civic address of the parcel;
  - 9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
  - 9.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
  - 9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Town of Smithers' land use regulations establish siting requirements related to flooding;
  - 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Town of Smithers' land use regulations establish siting requirements related to minimum floor elevation; and
  - 9.1.4.7 the location, dimension and gradient of parking and driveway access.
  - 9.1.4.8 The **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
- 9.1.5 include sufficient information on building plans to determine compliance with this bylaw such as:

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- 9.1.5.1 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 9.1.5.2 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.5.3 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade; and required details.
- 9.1.5.4 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**; and
- 9.1.5.5 mechanical information.
- 9.1.6 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 9.1.7 include a letter of assurance in the form of Schedule A as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**;
- 9.1.8 include letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of 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** or **structure**; and

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9.1.9 include at least two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.5 – 9.1.8 of this bylaw.

9.2 In addition to the requirements of section 9.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:

9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Town of Smithers' Subdivision Servicing bylaw.

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

9.2.3 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

## 10. Applications for **standard buildings**

10.1 An application for a building permit with respect to a **standard building** shall;

10.1.1 be made in the form attached as Form "A" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form "M" to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.3 include a copy of a title search made within 30 days of the date of the application;

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- 10.1.4 include a site plan prepared by a British Columbia Land Surveyor, a Registered Survey Technologist, or Registered Professional showing:
- 10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - 10.1.4.2 the legal description and civic address of the parcel;
  - 10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
  - 10.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
  - 10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Town of Smithers' land use regulations establish siting requirements related to flooding;
  - 10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Town of Smithers' land use regulations establish siting requirements related to minimum floor elevation; and
  - 10.1.4.7 the location, dimension and gradient of parking and driveway access.
  - 10.1.4.8 The **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
- 10.1.5 include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces;

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the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; stair dimensions; and mechanical information such as the location and size of every drain and of every trap or inspection piece that is on the drain.

- 10.1.6 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems; and size and location of every soil or waste pipe, trap and vent pipe and the plans and specifications shall contain complete design and calculation criteria and shall contain the name and address of the Designer.
- 10.1.7 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- 10.1.8 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 10.1.9 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 10.1.10 include a foundation design prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code**, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;
- 10.1.11 The requirements of section 10.1.10 may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to section 699 (2) of the *Local Government Act* the building permit is issued in accordance with sections 699 (5) and (6) of the *Local Government Act*.

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- 10.1.12 The requirements of section 10.1.10 may be waived by a **building official** if documentation, prepared and sealed by a **registered professional**, is provided assuring that the foundation design substantially complies with section 9.4.4 of Part 9 the **Building Code** and the foundation excavation substantially complies with section 9.12 of Part 9 of the **Building Code**.
- 10.1.13 The requirements of Section 10.1.10 may be waived for the construction of a detached one and two family dwelling as well as accessory buildings where the owner signs Form "M" acknowledging their responsibility for the design and construction of the foundation and supporting soils;
- 10.1.14 include at least two sets of drawings at a suitable scale of the design containing sufficient information to determine compliance with this bylaw, including the information set out in sections 10.1.5 – 10.1.8 and 10.1.10, if applicable, of this bylaw.
- 10.2 In addition to the requirements of section 10.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **standard building** where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 10.2.1 site servicing and drainage 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 Town of Smithers' subdivision servicing bylaw.
- 10.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
- 10.2.3 a roof plan and roof height calculations;
- 10.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;

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10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**; and

10.2.6 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

## 11. Professional Plan Certification

11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in section 2.6 of Part 2 of the **Building Code** and provided pursuant to sections 9.1.9, 10.1.10, 10.2.5, and 15.1 of this bylaw are relied upon by the Town of Smithers and its **building officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.

11.2 A building permit issued for the construction of a **complex building**, or for a **standard building** for which a **building official** required professional design pursuant to section 10.2.4 and letters of assurance pursuant to section 10.2.5 of this bylaw shall be in the form of Form "B" to this bylaw.

11.3 A building permit issued pursuant to section 11.2 of this bylaw shall include a notice to the **owner** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.

11.4 Pursuant to section 290 of the **Local Government Act**, when a building permit is issued in accordance with section 11.2 of this bylaw the permit fee shall be reduced by 5% of the fees payable pursuant to Schedule A to this bylaw, up to a maximum reduction of five hundred dollars (\$500.00).

## 12. Fees and Charges

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- 12.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule A to this bylaw, shall be paid in full prior to issuance of any permit under this bylaw.
- 12.2 An application made for a building permit shall be accompanied by the appropriate application fee as set out in Schedule A to this bylaw.
- 12.2.1 The application fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 12.2.2 An application shall be cancelled and the application fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of written notification to the **owner** that the permit is ready to be issued.
- 12.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.3 The **owner** may obtain a refund of the permit fees set out in Schedule A to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
- 12.3.1 the refund shall not include the application fee paid pursuant to section 12.2 of this bylaw; and
- 12.3.2 no refund shall be made where construction has begun or an inspection has been made.
- 12.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A to this bylaw shall be paid prior to additional inspections being performed.
- 12.5 For a required permit inspection requested to be done after the hours during which the offices of the Town of Smithers are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule A to this bylaw.

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12.6 An inspection charge, as set out in Schedule A to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing **building** or **structure** for which a permit is sought under this bylaw.

### 13. Building Permits

13.1 The **building official** shall issue the permit for which the application is made when:

13.1.1 a completed application including all required supporting documentation has been submitted;

13.1.2 the proposed work set out in the application substantially conforms with the **Building Code**, this bylaw and all other applicable Town of Smithers bylaws and enactments;

13.1.3 the **owner** or his or her representative has paid all applicable fees set out in including any fees for filing of a notice on title or for the closing of an incomplete file should the permit lapse prior to the work being completed. The administration fee will be returned if the work is completed for which the permit has been issued and the owner receives a final inspection report, occupancy permit, or renewal permit prior to the permit lapsing;

13.1.4 the **owner** or his or her representative has paid all charges and met all requirements imposed by any other Town of Smithers enactment or bylaw; and

13.1.5 no enactment, covenant, agreement, or regulation in favour or, regulation of, the Town of Smithers authorizes the permit to be withheld.

13.2 When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued unless the **owner** provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed **building**:

13.2.1 is covered by home warranty insurance, and

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- 13.2.1 the **constructor** is a licensed residential builder.
- 13.3 Section 13.2 of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
- 13.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
- 13.4.1 the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or
- 13.4.2 work is discontinued for a period of 1 year; or
- 13.4.3 work is not completed within 2 years of permit issuance.
- 13.5 A **building official** may extend the period of time set out under sections 13.4.1 and 13.4.2 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.
- 13.6 A **building official** may issue a building permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information has been provided to the Town of Smithers to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the **building** or **structure** has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the **building** or **structure** as if the permit for the portion of the **building** or **structure** had not been issued.
- 13.7 When a site has been excavated under an excavation permit issued pursuant to section 13.6 of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.4, but without the construction of the **building** or **structure** for which the building permit was issued having commenced, the **owner** shall fill in the

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excavation to restore the original gradients of the site within 30 days of being served notice by the Town of Smithers to do so.

#### 14. Disclaimer of Warranty or Representation

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

#### 15. Professional Design and Field Review

15.1 When a **building official** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a **registered professional** provide design and plan certification and **field review** by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the **Building Code**.

15.2 Prior to the issuance of an occupancy permit for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with sections 10.1.10, 10.2.5 or 15.1 of this bylaw, the **owner** shall provide the Town of Smithers with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the **Building Code**.

15.3 When a **registered professional** provides letters of assurance in accordance with sections 9.1.9, 10.1.10, 10.2.5, 15.1 or 15.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the **building official** in an acceptable form.

#### 16. Responsibilities of the Owner

16.1 Every **owner** shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.

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16.2 Every **owner** to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.

16.3 Every **owner** to whom a permit is issued shall, during construction:

16.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;

16.3.2 keep a copy of the accepted designs, plans and specifications on the property; and

16.3.3 post the civic address on the property in a location visible from any adjoining streets.

## 17. Inspections

17.1 When a **registered professional** provides letters of assurance in accordance with sections 9.1.9, 10.1.10, 10.2.5, 15.1 or 15.2 of this bylaw, the Town of Smithers will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 15.2 of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.

17.2 Notwithstanding section 17.1 of this bylaw, a **building official** may attend the site from time to time during the course of construction to ascertain that the **field reviews** are taking place and to monitor the **field reviews** undertaken by the **registered professionals**.

17.3 A **building official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with those portions of the **Building Code**, this bylaw and any other applicable enactment concerning safety.

17.4 The owner or his or her representative shall give at least twenty-four (24) hours notice to the Town of Smithers when requesting an inspection and shall obtain an inspection and receive a **building**

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**official's** acceptance of the following aspects of the work prior to concealing it:

- 17.4.1 installation of perimeter drain tiles and damp-proofing, prior to backfilling;
  - 17.4.2 prior to placing any concrete for the footings or foundations, the owner or authorized agent shall notify the building official and request a site visit to document the various aspects of the foundation and where in the opinion of the building official, the siting regulations may be contravened, the owner shall provide a site plan per 9.1.4 or 10.1.4;
  - 17.4.3 installation of service lines, where applicable, per 8.1.5, prior to backfilling;
  - 17.4.4 the preparation of underground plumbing when required prior to the placement of a concrete slab;
  - 17.4.5 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
  - 17.4.6 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
  - 17.4.7 the framing and sheathing;
  - 17.4.8 insulation and vapour barrier; and
  - 17.4.9 when the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- 17.5 No aspect of the work referred in section 17.4 of this bylaw shall be concealed until a **building official** has accepted it in writing.
- 17.6 The requirements of section 17.4 of this bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance provided in accordance with sections 9.1.9, 10.1.10, 10.2.5, 15.1 or 15.2 of this bylaw.

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#### 18. **Water Meters**

18.1 A water meter assembly, or provisions for a future water meter assembly, must be installed in accordance with the specifications and regulations contained within the Town of Smithers Subdivision Servicing Bylaw and Water Regulation Bylaw.

#### 19. **Sumps and Interceptors**

19.1 Unless otherwise authorized by the **Building Official**, concrete building sumps or prefabricated interceptors shall be installed for all **buildings** or **structures** to collect foundation drain piping and roof or surface storm water piping, prior to final discharge into the municipal storm drainage system and in accordance with the Town of Smithers Sewer Regulation Bylaw.

19.2 Concrete building sumps shall;

19.2.1 be the interlocking, lipped type,

19.2.2 if greater than 1.5 meters in depth, shall be not less than 1.0 meters in diameter,

19.2.3 be installed flush with the finished grade and sides installed plumb to make the lid of the sump level.

19.3 Prefabricated interceptors shall be designed and specified only by a **registered professional**.

19.4 If a pump is required within the building sump, appropriate backflow preventors will be required on the foundation drain piping to prevent backflow.

#### 20. **Climatic Data**

20.1 Climatic data used in the design of buildings within the Town of Smithers municipal boundaries shall be that data provided by the building inspector supplied in Schedule B of this bylaw and as revised by the building inspector from time to time.

#### 21. **Occupancy Permits**

# TOWN OF SMITHERS

## BUILDING BYLAW

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21.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form of Form “K” to this bylaw.

21.2 An occupancy permit shall not be issued unless:

21.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.9, 10.1.10, 10.2.5, 15.1 and 15.2 of this bylaw.

21.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 17.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 17.6 of this bylaw.

21.3 A **building official** may issue a provisional occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 21.2 of this bylaw have been met with respect to it; the building official may require the owner to provide cash security and determine a specified time limit for the provisional occupancy permit.

## 22. Retaining Structures

22.1 A **registered professional** shall undertake the design and conduct **field reviews** of the construction of a retaining structure greater than 1.5 meters in height and supporting an occupancy. Sealed copies of the design plan and **field review** reports prepared by the **registered professional** for all retaining structures greater than 1.5 meters in height shall be submitted to a **building official** prior to acceptance of the works.

## 23. Permits

23.1 A moving permit shall be in the form of Form “B” to this bylaw.

23.2 A demolition permit shall be in the form of Form “B” to this bylaw.

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23.3 A fireplace and chimney permit shall be in the form of Form "B" to this bylaw.

23.4 A building permit shall be in the form of Form "B" to this bylaw.

#### 24. Penalties and Enforcement

24.1 Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00) or to imprisonment for not more than six months.

24.2 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.

24.3 A **building official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work notice in the form of Form "L" to this bylaw.

24.4 The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.

24.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.4 of this bylaw a **building official** may post a Do Not Occupy notice in the form of Form "N" to this bylaw on the affected part of the **building** or **structure**.

24.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.

24.7 Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for thirty (30) days, pay an

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## BUILDING BYLAW

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additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.

#### 25. **Severability**

25.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

#### 26. **Forms and Schedules**

26.1 Forms "A" through "N" attached to this Bylaw form a part of this Bylaw.

Forms:

- A. Application For Building Permit
- B. Building Permit
- C. Footings Inspection Notice
- D. Service Connections Inspection Notice
- E. Backfill Inspection Notice
- F. Plumbing Inspection Notice
- G. Framing Inspection Notice
- H. Solid Fuel Burning Appliance Inspection Notice
- I. Insulation Inspection Notice
- J. Final Inspection Notice
- K. Occupancy Permit
- L. Stop Work Order
- M. Owners' Undertakings
- N. Do Not Occupy

26.2 Schedules "A" and "B" attached to this Bylaw form a part of this Bylaw

- A. Fees
- B. Climatic Data

#### 27. **Repeal**

Town of Smithers Building Bylaw No. 764, 1987 and amendments thereto are hereby repealed.

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BUILDING BYLAW

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READ A FIRST TIME THIS 8<sup>th</sup> DAY OF JULY, 2003

READ A SECOND TIME THIS 8<sup>th</sup> DAY OF JULY, 2003

READ A THIRD TIME THIS 8<sup>th</sup> DAY OF JULY, 2003

ADOPTED THIS 22<sup>nd</sup> DAY OF JULY, 2003.

The Corporate Seal of the Town of  
Smithers was hereto affixed in the  
presence of

S E A L

---

James A. Davidson  
Mayor

---

Wallace Mah  
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND CORRECT  
COPY** of Bylaw No. 1435 cited as  
"Building Bylaw No.1435".

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Wallace Mah  
Corporate Administrator (CAO)

MA/lp

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**SCHEDULE "A"  
FEES**

1. APPLICATION FEE: Residential \$35.00  
Commercial/Industrial \$50.00
2. The fee for a BUILDING PERMIT shall be:
  - a) 

<b>Value of Construction Payable</b>	<b>Building Permit Fee</b>
<b>\$1.00 to \$1,000,000</b>	\$6.25 per \$1,000 of total
<b>Over \$1,000,000</b>	\$5.50 per \$1,000 of total

The value of construction shall be the contract price together with a reasonable allowance for extras or where there is no contract price, the approximate cost of construction of the building, estimated by the Building Inspector, according to the plans and specifications submitted in support of the application for a Permit.
  - b) Minimum permit fee for:

Residential .....	\$35.00
Commercial/Industrial	\$50.00
  - c) Permit fee for Demolition: .....
  - d) The fee for moving a building is .....
3. OCCUPANCY PERMIT - where there is a change of class of occupancy in an existing building and not part of a building permit .....
4. RE-INSPECTION - when required due to the fault of owner or holder of permit, or work incomplete or building inaccessible .....
5. PRELIMINARY EXAMINATION OF PLANS
  - single family residential .....
  - other .....
6. RENEWAL OF LAPSED BUILDING PERMIT

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- if no work on plans is required ..... \$35.00
- if work required on plans due to a change in building regulations ..... \$50.00

#### 7. CANCELLATION OF A PERMIT

- a) The fees paid under Articles 1,3,4,5 and 6 are not refundable under any condition.
  
- b) The fees paid under Article 1 may be refunded upon receipt of a written application by the person who signed the original building permit application. The amount refunded shall be as per Section 12.3 in this bylaw.

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## SCHEDULE "B"

### CLIMATIC DATA

Notice to Builders and Designers – the following Climatic Information shall be used for Building Design in Smithers:

1. January 2.5% Design Temperature	*-29° C
2. January 1% Design Temperature	-31 ° C
3. July 2.5% Design Drybulb Temperature	25 ° C
4. July 2.5% Design Wetbulb Temperature	17 ° C
5. Annual Total Degree-days below 18 ° C	5200
6. Elevation (Geodetic):	500 metres
7. Frost Penetration	**1.2 metres
8. Maximum 1 day rainfall	60 mm
9. 15 minute rainfall	13 mm
10. Annual Total Precipitation	500 mm
11. Ground Snow Load	***3.1 kPa + 0.2 kPa rain component
12. Wind Effects:	
Probability 1/10	0.31 kPa
Probability 1/30	0.37 kPa
Probability 1/100	0.44 kPa
13. Seismic Zone	Za1, Zv3
14. Zonal Velocity Ratio	0.15v

NOTES: \* values listed are based on the 1998 B.C. Building Code Regulations.

\*\* based on local experience.

\*\*\* based on local experience: differs from the B.C. Building Code value of 2.9 kPa, revised May 2003