BYLAW NO. 1673

BUILDING BYLAW

A bylaw for the administration of the British Columbia Building Code

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WHEREAS section 8 of the *Community Charter* 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;

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

1- ADMINISTRATIVE PROVISIONS

1.1 This bylaw may be cited as “Bylaw No. 1673 - Building Bylaw”.

1.2 The “Town of Smithers Building Bylaw No. 1435” and amendments are hereby repealed.

1.3 If any portion of this bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the bylaw.

2 - DEFINITIONS

2.1 In this bylaw:

The following words and terms have the meanings set out in Definitions Section 1.4 of the British Columbia Building Code 2006: **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.

Building Code means the British Columbia Building Code 2006 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 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**.

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

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** in the general public interest. The activities undertaken by or on behalf of the **Town** pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend to:

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

3.2.2 The assumption by the **Town** 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 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;

3.3.3 Providing a warranty or assurance that construction undertaken pursuant to building permits issued by the **Town** is free from latent, or any defects.

4 – SCOPE AND EXEMPTIONS

4.1 This bylaw shall apply 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**.

4.2 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.

5 - PROHIBITIONS

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

5.2 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**. In addition, no person shall occupy or use any **building** or **structure** contrary to the terms of any permit previously issued or any notice given by a **building official**.

5.3 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.

5.4 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.

5.5 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**.

5.6 No person shall obstruct the entry of a **building official** or other authorized official of the Town on property in the administration of this bylaw.

5.7 No person shall connect downspout, drains or surface runoff to a building sewer or building drain leading to the sanitary drainage system.

6 – PERMIT CONDITIONS

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

6.2 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** 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.

6.3 It shall be the full and sole responsibility of the **owner** (or authorized agent) 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.

6.4 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** 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.

6.5 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.

6.6 Any owner of property for which a permit is issued shall be responsible or the cost of repair of any damage to municipal works or property that occurs as a result of work performed under the permit.

6.7 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**.

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

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 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** into, out of, or within the **Town**;

8.1.3 A fireplace and chimney permit before constructing a masonry fireplace or installing a wood burning appliance or chimney unless the works are encompassed by a valid building permit.

8.1.4 A demolition permit before demolishing a **building** or **structure**, works or services, including underground piping, foundations and tanks.

8.2 An application for a building permit, moving permit, demolition permit, fireplace and chimney permit shall be made in the form prescribed by the **Town**.

8.3 Every applicant for a demolition permit shall submit a Site Profile in accordance with the *Environmental Management Act*. When a Site Profile has been forwarded to the director, an application for a demolition permit shall only proceed in accordance with Section 946 (2) of the *Environmental Management Act*.

8.4 All plans submitted with permit applications shall bear the name and address of the **designer** of the **building** or **structure**.

8.5 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 Schedules “A” and “B” to this bylaw.

8.6 A new building permit is required for any work to be completed for which a building permit was issued where that permit has subsequently lapsed.

8.7 The Owner (or authorized agent) is responsible for:

8.7.1 Complying with the requirements of this bylaw;

8.7.2 Complying with the requirements of any other **Town** bylaws;

8.7.3 Complying with the requirements of all other regulating bodies;

8.7.4 Ensuring the **building** or **structure** is certified structurally sound, for moving purposes, by a practicing engineer registered in the Province of British Columbia.

8.8 Prior to commencing any plumbing work the owner (or authorized agent) shall:

8.8.1 If not already done, arrange for connection to **Town** water, sanitary sewer and storm sewer services, where services are available;

8.8.2 Arrange the plumbing to suit the location of the connection provided for the lot by the **Town**;

8.8.3 Arrange for dye-testing the sanitary sewer service as witnessed by the Building Inspector prior to backfilling the service line trench; and

8.8.4 Where **Town** sanitary sewer connection is not available to the property, a sewage disposal system (approved by an Authorized Person) must be installed.

8.9 The owner (or authorized agent) and the contractor with a demolition permit shall:

8.9.1 Arrange for the **Town** to disconnect and cap water and sewer service lines to the property, prior to demolition;

8.9.2 Arrange disconnection of all power, telephone and gas lines, prior to demolition;

8.9.3 Obtain from the **Town** any additional permits required for street closures, and notify all regulating bodies, prior to demolition;

8.9.4 Protect, as per Building Code requirements (Part 8 “Safety Measures and Construction and Demolition Sites”) all public sidewalks, thoroughfares and streets, prior to demolition;

8.9.5 Remove all demolition materials and foundations from the site, fill and level all excavations, and leave the site in a tidy manner;

8.9.6 Damages to utilities, adjoining properties and all liabilities during demolition are the responsibility of the **owner** (or authorized agent) and the Contractor;

8.9.7 Comply with Heritage Bylaws, where applicable;

8.9.8 All above items are to be fully complied with within 90 days of the date of issuance of the demolition permit.

9 - APPLICATIONS FOR COMPLEX BUILDINGS

9.1 An application for a building permit with respect to a **complex building** shall include the following:

9.1.1 Completed form prescribed by the **Town**, signed by the **owner**, or a signing officer if the **owner** is a corporation and the **coordinating registered professional**;

9.1.2 **Owner’s** acknowledgment of responsibility and undertakings made in the form prescribed by the **Town**, signed by the **owner**, or a signing officer if the **owner** is a corporation;

9.1.3 Site plan prepared by a British Columbia Land Surveyor, a Registered Survey Technologist or by a Registered Professional showing:

9.1.3.1 Bearing and dimensions of the parcel taken from the registered subdivision plan;

9.1.3.2 Legal description and civic address of the parcel;

9.1.3.3 Location and dimensions of all statutory rights of way, easements and setback requirements;

9.1.3.4 Location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;

9.1.3.5 Setbacks to the natural boundary of any lake, swamp, pond or watercourse where the **Town's** land use regulations establish siting requirements related to flooding;

9.1.3.6 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's** land use regulations establish siting requirements related to minimum floor elevation; and

9.1.3.7 Location, dimension and gradient of parking and driveway access.

9.1.3.8 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**.

9.1.4 Include sufficient information on building plans to determine compliance with this bylaw such as:

9.1.4.1 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;

9.1.4.2 A cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;

9.1.4.3 Elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade; and required details;

9.1.4.4 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

9.1.4.5 Mechanical information.

9.1.5 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;

9.1.6 A letter of assurance in the form of Schedule A as referred to in section 2.2.7 of Part 2 of Division C 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**;

9.1.7 Letters of assurance in the form of Schedule B as referred to in section 2.2.7 of Part 2 of Division C 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

9.1.8 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 9.1.4 – 9.1.7 of this bylaw.

9.2 The following may also 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 include the following:

10.1.1 Completed form prescribed by the **Town**, signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.2 **Owner's** acknowledgment of responsibility and undertakings made in the form prescribed by the **Town**, signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.3 Site plan prepared by a British Columbia Land Surveyor, a Registered Survey Technologist, or Registered Professional showing:

10.1.3.1 bearing and dimensions of the parcel taken from the registered subdivision plan;

10.1.3.2 legal description and civic address of the parcel;

10.1.3.3 location and dimensions of all statutory rights of way, easements and setback requirements;

10.1.3.4 location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;

10.1.3.5 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;

10.1.3.6 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's land use regulations establish siting requirements related to minimum floor elevation; and

10.1.3.7 location, dimension and gradient of parking and driveway access.

10.1.3.8 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**.

10.1.4 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; 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.

10.1.5 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.

10.1.6 Elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;

10.1.7 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**;

10.1.8 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;

10.1.9 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 Schedule B as referred to in section 2.2.7 of Part 2 of Division C of the **Building Code**, signed by the **registered professional**;

10.1.10 The requirements of section 10.1.9 may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to Part 3 Division 8 Section 56 (Requirement for geotechnical report) in the *Community Charter*.

10.1.11 The requirements of section 10.1.9 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**.

10.1.12 The requirements of Section 10.1.9 may be waived for the construction of a detached one and two family dwelling as well as accessory buildings where the owner signs a form prescribed by the **Town** acknowledging their responsibility for the design and construction of the foundation and supporting soils;

10.1.13 At least 2 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 10.1.4 – 10.1.7 and 10.1.9, if applicable, of this bylaw.

10.2 The following may also 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's** subdivision servicing bylaw.

10.2.2 A section through the site showing grades, **buildings**, **structures**, parking areas and driveways;

10.2.3 A roof plan and roof height calculations;

10.2.4 Structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;

10.2.5 Letters of assurance in the form of Schedule B as referred to in section 2.2.7 of Part 2 of Division C of the **Building Code**, signed by the **registered professional**;

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

11 – PROFESSIONAL PLAN CERTIFICATION

11.1 The letters of assurance in the form of Schedule B referred in section 2.2.7 of Part 2 of Division C of the **Building Code** and provided pursuant to sections 9.1.7, 10.1.9, 10.2.5, and 15.1 of this bylaw are relied upon by the **Town** 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 prescribed by the **Town**.

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 $500.00.

12 – FEES & CHARGES

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.

12.3 The application fee is non-refundable and shall be credited against the building permit fee when the permit is issued.

12.4 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. When an application is cancelled the plans and related documents submitted with the application may be destroyed.

12.5 The **owner** may obtain a refund of the permit fees set out in Schedule "A" when a permit is surrendered and cancelled before any construction begins, provided:

12.5.1 The refund shall not include the application fee paid pursuant to Section 12.2;

12.5.2 No refund shall be made where construction has begun or an inspection has been made.

12.6 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" shall be paid prior to additional inspections being performed.

12.7 For a required permit inspection requested to be done after the hours during which the offices of the **Town** 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”.

12.8 An inspection charge, as set out in Schedule “A”, 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** 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** enactment or bylaw;

13.1.5 No enactment, covenant, agreement, or regulation in favour or, regulation of, the **Town** 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

13.2.2 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** 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 excavation to restore the original gradients of the site within 30 days of being served notice by the **Town** 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 & 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 and C-B referred to in section 2.2.7 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 9.1.8, 10.1.9, 10.2.5 or 15.1 of this bylaw, the **owner** shall provide the **Town** with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.2.7 of Part 2 of the **Building Code**.

15.3 When a **registered professional** provides letters of assurance in accordance with sections 9.1.8, 10.1.9, 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 - OWNER RESPONSIBILITIES

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

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

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 9.1.8, 10.1.9, 10.2.5, 15.1 or 15.2 of this bylaw, the **Town** 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 24 hours notice to the **Town** when requesting an inspection and shall obtain an inspection and receive a **building official's** acceptance of the following aspects of the work prior to concealing 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 9.1.3 or 10.1.3;

17.4.3 Installation of service lines, where applicable, per 8.8, 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 9.1.8, 10.1.9, 10.2.5 15.1 or 15.2 of this bylaw.

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 & 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's** municipal boundaries shall be in accordance with Schedule "C" of this bylaw and as revised by the building official from time to time.

21 – OCCUPANCY PERMITS

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 prescribed by the **Town**.

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 9.1.6, 9.1.7, 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 building permit, demolition permit, moving permit and fireplace and chimney permit shall be in the form prescribed by the **Town**.

24 – PENALTIES & 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 $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 a form prescribed by the **Town**.

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 5.2 of this bylaw a **building official** may post a Do Not Occupy notice 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 30 days, pay an additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.

25 – SCHEDULES

25.1 Schedules “A”, “B” and “C” attached hereto and forming part of this bylaw:

A. Fees
B. Estimating Rates for Value of Construction
C. Climatic Data

READ A FIRST TIME THIS 13TH DAY OF SEPTEMBER 2011

READ A SECOND TIME THIS 13TH DAY OF SEPTEMBER 2011

READ A THIRD TIME THIS 13TH DAY OF SEPTEMBER 2011

ADOPTED THIS 11TH DAY OF OCTOBER 2011

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

S E A L

_____
Cress Farrow
Mayor

_____
Deborah Sargent
Corporate Administrator (CAO)

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 1673 cited as "Bylaw No. 1673 – Building Bylaw".

_____
Deborah Sargent
Corporate Administrator (CAO)

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SCHEDULE "A" FEES

1. **APPLICATION:**

	Residential	$35.00
	Commercial/Industrial	$50.00

2. **BUILDING PERMIT:**

a) **Value of Construction** — **Building Permit Fee Payable**

$1.00 to $1,000,000	$6.25 per $1,000 of total
Over $1,000,000	$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:	Residential	$35.00
	Commercial/Industrial	$50.00
c) Demolition permit fee		$50.00
d) Moving permit fee		$150.00

Plus security deposit of 10% of the assessed value of the building.

3. **OCCUPANCY PERMIT** $25.00
Where there is a change of occupancy class in an existing building and not part of a building permit.

4. **RE-INSPECTION** $35.00
When required due to the fault of the owner or holder of permit, or work is incomplete or the building inaccessible.

5. **PRELIMINARY EXAMINATION OF PLANS**

a) Residential	$35.00
b) Other	$50.00

6. **VOLUNTARY INSPECTION** $200.00
Secondary Suite inspections are exempt from having to pay the fee until December 31st, 2016 as per Secondary Suites Policy DEV-005 adopted by Council on September 13th, 2011.

7. **RENEWAL OF LAPSED BUILDING PERMIT**

a) If no work on plans is required	$35.00
b) If work required on plans due to change in building regulations	$50.00

8. **PERMIT CANCELLATION**
Fees paid under Articles 1, 3, 4, 5, 6, 7 are not refundable under any condition. Fees paid under Article 2 may be refunded upon receipt of a written application by the person who signed the original building permit application and in accordance with section 12 in this bylaw.

SCHEDULE "B"

ESTIMATING RATES FOR VALUE OF CONSTRUCTION

The following rates may be used by the Building Inspector, at his/her discretion, as a basis for determining the value of construction used in calculating the building permit fee:

RESIDENTIAL	**RANGE**
Decks	$25-$35/sq.ft.
Garage	$40-$50/sq.ft.
Carport	$25-$40/sq.ft.
Main Floor	$95-$120/sq.ft.
2nd Floor	$45-$60/sq.ft.
Finished Basement	$45-$60/sq.ft.
Unfinished Basement	$25-$40/sq.ft.
Crawlspace	$20-$35/sq.ft.
Simple Single Floor	$80-$90/sq.ft.

COMMERCIAL	
Warehouse	$50-$70/sq.ft.
Office	$80-$120/sq.ft.
2nd Floor Apartment	$65-$80/sq.ft.

SCHEDULE "C" CLIMATE DATA

Notice to Builders and Designers – the following climatic Information shall be used for building design in the Town of Smithers:

1. January 2.5% Design Temperature		-29° C *
2. January 1% Design Temperature		-31 ^{o} C
3. July 2.5% Design Drybulb Temperature		25 ^{o} C
4. July 2.5% Design Wetbulb Temperature		17 ^{o} C
5. Annual Total Degree-days below 18 ^{o} 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		3.2 kPa + 0.2 kParain component
12. Wind Effects:	Probability 1/10	0.31 kPa
	Probability 1/50	0.40 kPa
13. Seismic Zone		Za1, Zv3
14. Zonal Velocity Ratio		0.15v

NOTES:

* Values listed are based on the 2006 BC Building Code Regulations.

** Based on local experience.