

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 949

**A Bylaw to provide for building inspection standards
and procedures within the Village of Cumberland.**

WHEREAS under section 8(3) of the *Community Charter* local governments may by Bylaw regulate, prohibit, and impose requirements in relation to buildings and other structures;

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 and structures in municipalities and regional districts in the Province;

NOW THEREFORE the Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

PART A ADMINISTRATION

1. **Title**

This Bylaw may be cited for all purposes as the ‘Corporation of the Village of Cumberland Building Bylaw No. 949, 2012.’

2. **Application**

This Bylaw shall be applicable to all land and water within the municipal boundaries of the Corporation of the Village of Cumberland.

3. **Purpose of Bylaw**

This Bylaw has been enacted for the purpose of regulating construction within the Village in the general public interest. The activities undertaken by or on behalf of the Village 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:

- a) the protection of Owners or constructors from economic loss;
- b) the assumption by the Village or any Building Official of any responsibility for ensuring the compliance by any Owner, his representatives or any employees, constructors or designers retained by him, with the BCBC, the requirements of this Bylaw, or other applicable enactments respecting safety;
- c) provide any person a warranty of design or workmanship with respect to any building or structure for which a Building Permit or Occupancy Permit is issued under this Bylaw;
- d) provide a warranty or assurance that construction undertaken pursuant to Building Permits issued by the Village is free from latent, or any defects; and
- e) provide a warranty to any person that construction is in compliance with the BCBC, this Bylaw or any other enactment with respect to a building or structure for which a permit is issued under this Bylaw.

4. Severability

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.

5. Penalties and Enforcement

- a) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a minimum fine of \$2,000 and not more than \$10,000 or to imprisonment for not more than six months.
- b) 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.

6. Repeal

The 'Village of Cumberland Building Bylaw No. 800, 2006' is hereby repealed upon adoption of this Bylaw.

PART B DEFINITIONS

For the purpose of this Bylaw, the following definitions apply. The context meaning of terms contained in this Bylaw and not defined herein, are to be determined in accordance with firstly, the British Columbia Building Code 2018 (BCBC), secondly, this Bylaw and thirdly in the 'Zoning Bylaw No. 1027, 2016,' as amended from time to time and then in the Canadian Oxford dictionary.

(Bylaw 1112)

Alternative Solution

means an alternative solution authorized under the BCBC.

(Bylaw 1112)

BCBC

means the *British Columbia Building Code 2018* as adopted by the Minister pursuant to the *Local Government Act*, as enacted and amended.

(Bylaw 1112)

BUILDING OFFICIAL

means a person authorized by the Village to administer this Bylaw and the BCBC.

COMPLEX BUILDING

means all buildings used for major occupancies classified as:

- a) assembly;
- b) care or detention;
- c) high hazard industrial;
- d) exceeding 600metre² in gross floor area or three storeys in height used for major occupancies classified as:
 - i) residential;
 - ii) professional and personal services;
 - iii) commercial; and
 - iv) medium and low hazard industrial.

COORDINATING REGISTERED PROFESSIONAL (CRP)

means a registered professional retained by the Owner to coordinate all design work and field reviews of the registered professional(s) required for the project.

DECONSTRUCTION in the context of physical construction, means the selective dismantlement of building or structure components, specifically for re-use, recycling, and waste management.

DEMOLITION means the act or process of destroying or removing a building or structure by the most expedient means.

ENERGY STEP CODE means the system of energy performance requirements set out in Division B, Part 10 of the Building Code.

(Bylaw 1112)

EXCAVATION For the purposes of this Bylaw, means a space created by the removal of soil, rock, or fill which exceeds 15.0metres² (161.5feet²) in area or a depth of 0.5metres (1.6feet).

FLOOD CONSTRUCTION LEVEL *See the 'Village of Cumberland Floodplain Management Bylaw No. 962, 2012"*

GREEN INFRASTRUCTURE means engineering design that takes a “design with nature” approach, to both mitigate the potential impacts of existing and future development and growth and to provide valuable services. This includes such methods which:

- a) promote infiltration and groundwater recharge using disconnected roof leaders, grassy swales and rain gardens;
- b) roadside curb cuts that direct road runoff onto grassy sales and rain gardens;
- c) reduce runoff and reduce/avoid the impact of peak flows using permeable pavements, rock pits and other catch basins and detention ponds
- d) conserve water using low flow fixtures and systems for water reclamation and redistribution
- e) utilize alternative energy sources using solar, wind, geothermal, energy; and
- f) consist of green building features;

(Bylaw 1112)

OWNER means a person registered in the land registry records as the Owner of land. For the purposes of this Bylaw, Owner includes an agent authorized in writing to act on his behalf by the registered Owner.

POOL means any structure constructed or prefabricated, existing or prospective, which is used primarily for swimming, bathing or wading, having an enclosed water area exceeding 15.0metres² or a depth exceeding 0.5metres.

REGISTERED PROFESSIONAL means a person who is registered or licensed to practice as an:
a) architect under the *Architects Act*; or
b) professional engineer under the *Engineers and Geoscientists Act*.

RETAINING STRUCTURE means a structure built to resist the lateral displacement of soil or other materials resulting in a separation of grade.

STANDARD BUILDING means a building of three storeys or less in height, having a gross floor area not exceeding 600metres² and used for major occupancies classified as:

- a) residential;
- b) professional and personal services;

- c) commercial; and
- d) medium and low hazard industrial.

STRUCTURE

means a construction used for supporting or sheltering any use (includes pools) whether or not fixed to, supported by or sunk into land or on the water but specifically excludes:

- a) hard and soft landscaping;
- b) paving;
- c) signs; and
- d) fences equal to or less than 2.0metres (6.6feet) in height.

VILLAGE

means, as the context requires, the Corporation of the Village of Cumberland, or the area within the boundaries of the Village of Cumberland.

**VILLAGE
ENGINEER**

means the person authorized by the Village to perform this duty.

**WILDLAND/URBAN
INTERFACE**

means any area where combustible wildland fuels are found adjacent to homes, farms, and other structures.

PART C GENERAL REGULATIONS
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1. Permit Conditions

- a) A Permit is required whenever activity regulated under this Bylaw is to be undertaken.
- b) It is the full and sole responsibility of the Owner to carry out the activity in respect of which the Permit was issued, in compliance with the BCBC, this Bylaw, and any other applicable enactments respecting safety.
- c) 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 Permit is issued and his representatives are responsible for making such determination.

2. Scope and Exemptions

- a) This Bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, deconstruction, removal, relocation, occupancy, and change of occupancy of existing buildings and structures.
- b) This Bylaw does not apply to:
 - i) building or structures exempted by Part 1 of the BCBC;
 - ii) accessory buildings less than 10.0metres² in building area that do not create a hazard;
 - iii) retaining structures less than 1.2metres (3.9feet) in height unless otherwise determined by the Building Inspector to be in accordance with section 23(c) of this Bylaw;
 - iv) shoreline protection measures employed to protect property from erosion from any body of water, wetland, or watercourse;

- v) polyethylene film-covered greenhouses used for the production of agricultural and horticultural produce or feeds;
- vi) low human occupancy farm building or structures located on land classified as 'farm' under the *Assessment Act* on the date on which the application for permit was made;
- vii) decks without roofs, the floor of which are not more than 0.6metres (2.0feet) above natural grade; and
- viii) manufactured homes sited in a manufactured home park that has a valid and subsisting Manufactured Home Park Permit issued by the Village.

3. Prohibitions

- a) No person shall commence or continue any construction, alteration, reconstruction, demolition, deconstruction, removal, relocation or change the occupancy of any building or structure unless a valid and subsisting Permit for the work has been issued.
- b) No person shall occupy any building unless a valid and subsisting Occupancy Permit has been issued for the building, or contrary to the terms of any Permit issued or any notice given by a Building Official.
- c) 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.
- d) No person shall, unless authorized in writing by a Building Official, tamper with any notice posted on a building or structure pursuant to this Bylaw.
- e) No person shall do any work that is different from the approved design or plans of a building or structure or other works for which a Permit has been issued, unless that change has been accepted in writing by a Building Official.
- f) No person shall obstruct the entry of a Building Official or other authorized official of the Village on property during the administration of this Bylaw.

4. Building Officials

a) Administration

A Building Official is authorized to:

- i) issue Permits, with or without conditions, deny and revoke Permits as required;
- ii) administer this Bylaw;
- iii) keep records of Permit applications, Permits, notices and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this Bylaw in accordance with acceptance records management practices; and
- iv) 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 conforms to the requirements of the BCBC.

b) Enforcement

A Building Official is authorized to:

- i) enter any land or building or structure at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;
 - ii) where any residence is occupied, the Building Official will provide written notice to the Owner at least 24 hours in advance of entry; and
 - iii) carry identification confirming his status as a Building Official.
- c) A Building Official may order the suspension or correction of any work that contravenes the BCBC or this Bylaw. For the purposes of this section, the Building Official may, but is not obliged to, require any work to be uncovered or removed in order to determine if there is a contravention.
- d) A Building Official may refuse to issue or may revoke a Permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are, in his opinion, not satisfactory.
- e) 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 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.

5. Applications

- a) Unless the activity is exempted under Part C section 2(b) of this Bylaw, before commencing work every person must apply for and obtain from the Village:
- i) a Building Permit for:
 - 1) constructing, extending, altering, or repairing a building or structure;
 - 2) installation of a manufactured home, where permitted by bylaw, that is not within a Manufactured Home Park that has a subsisting Manufactured Home Park Permit;
 - 3) change of occupancy of a building;
 - 4) constructing, extending, altering, or repairing a masonry fireplace;
 - 5) the installation of a new solid fuel burning appliance;
 - 6) constructing, extending, altering, or repairing any chimney for a fireplace or solid fuel burning appliance;
 - 7) constructing, extending, altering, or repairing a retaining structure;
 - ii) a Plumbing Permit for constructing, extending, altering or repairing
 - 1) a plumbing system,
 - 2) a fire suppression automatic sprinkler system, or
 - 3) an in-ground sprinkler system ;
 - iii) a Moving Permit for transporting any building or structure on streets within the Village;

- iv) a Demolition/Deconstruction Permit for demolishing or deconstructing a building or structure;
 - v) an Excavation Permit, when an excavation as defined in this Bylaw, is to be carried out that is not part of any Building Permit.
- b) Each building or structure to be constructed on a site requires a separate permit and shall be assessed a separate permit fee based on the estimated value of construction of that building or structure as determined in accordance with Table 14.2 of this Bylaw.
 - c) The Village of Cumberland is identified as a High Seismic Region with spectral acceleration at 0.2 seconds, identified above 0.7. Design Elements are to be in conformance with seismic bracing requirements based on the BCBC.

(Bylaw 1112)

6. Building Permit for Complex Buildings or Other Structures

- a) An application for a Building Permit for a complex building or structure shall be made in the form provided by the Village and signed by the Owner and the Coordinating Registered Professional and will include the following:
 - i) a copy of the title search for the subject property dated within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) a site drawing prepared by a BC Land Surveyor of the subject property which shows:
 - 1) the bearings and dimensions taken from the registered subdivision plan;
 - 2) the location and dimensions of all rights-of-way, (statutory and other), easements, and covenant areas;
 - 3) the location and dimensions of all existing and proposed buildings or structures;
 - 4) setbacks to the natural boundary of any body of water, wetland, or watercourse where applicable;
 - 5) the existing and finished flood construction levels where applicable;
 - 6) the location, dimension, and finished gradients of parking and driveway access; and
 - 7) location of connections for water, sanitary sewer and stormwater to the property and including inverse elevation of sanitary and storm connections.

The Building Official may waive the requirement for a site drawing as above, in whole or in part, where the Permit is sought for the internal repair or alteration of an existing building or structure and does not affect a change in footprint or height.

- iii) if the building or structure is to be serviced an onsite wastewater system approval shall be received from the agency having jurisdiction.
 - iv) a foundation plan showing all required bearing locations of the building or structure being transferred to the foundation;
 - v) four sets of the drawings certified by the Coordinating Registered Professional and containing the following information:
 - 1) floor plans showing:
 - aa) the dimensions and uses of all areas;
 - bb) the dimensions and height of crawl and roof spaces;
 - cc) the location, size and swing of doors;
 - dd) the location, size and opening of windows; floor, wall, and ceiling finishes;
 - ee) plumbing fixtures;
 - ff) structural elements; and
 - gg) stair dimensions;
 - 2) cross-sections through the building illustrating foundations, drainage, ceiling heights, and construction systems;
 - 3) a plan of final lot grades and drainage management prepared by a registered professional if the grade is changed from the approved or existing grade;
 - 4) elevations of all sides of the building or structure from natural grade showing finish details, roof slopes, windows, and doors; and
 - 5) cross-sectional details drawn at an appropriate scale and at sufficient locations to demonstrate that the building and structure substantially conforms to the BCBC;
 - vi) copies of approvals required under any enactment relating to health or safety;
 - vii) copies of all rights-of-way (statutory or other), easements, and covenants;
 - viii) a copy of the Safety Measures to be put in place to comply with the BCBC and local Bylaws and requirements; and
 - ix) letters of assurance as required pursuant to the BCBC prepared by the CRP, or as directed by the Building Official, such registered professionals to prepare the design for and conduct field reviews of the construction of the building or structure.
- b) In addition to the requirements of section 6(a), the Building Official may require the following:
- i) site servicing drawings prepared by an RP, which include detail of off-site services at the property line, in accordance with the Village's frontage works and services requirements;
 - ii) additional architectural, structural, electrical, mechanical, plumbing, fire suppression, or geotechnical drawings prepared and sealed by a registered professional; and

- iii) any other information required to establish substantial compliance with the BCBC, this Bylaw, and other regulations and enactments relating to the proposed construction.

7. Building Permit for Standard Buildings and Other Structures

- a) An application for a Building Permit for a Standard Building or structure shall be made in the form provided by the Village, signed by the Owner and will include the following:
 - i) a copy of the title search for the subject property dated within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) a site drawing showing:
 - 1) the dimensions of the subject property taken from the registered subdivision plan;
 - 2) the location and dimensions of all rights-of-way (statutory and other), easements, and covenant areas;
 - 4) the location and dimensions of all existing and proposed building or structures on the subject property;
 - 5) setbacks to the natural boundary of any body of water, wetland, or watercourse where applicable;
 - 6) the finished flood construction levels where applicable;
 - 7) the location, dimension and gradients of parking and driveway access;
 - 8) location of lines and municipal connections for water, sanitary sewer, and stormwater to the property and including inverse elevation of sanitary and storm connections.

The Building Official may waive the requirement for a site drawing under in whole or in part, where the permit is sought for the internal repair or alteration of an existing building or structure which does not affect a change in footprint or height.

- iv) a foundation plan showing all required bearing locations of the building or structure being transferred to the foundation;
- v) if the building is not to be serviced by municipal sanitary sewer, approval for an onsite system shall be received from the agency having jurisdiction.
- vi) two sets of each of the following plans:
 - 1) floor plans showing:
 - aa) the dimensions and uses of all areas;
 - bb) the dimensions and height of crawl and roof spaces;
 - cc) the location, size and swing of doors;
 - dd) the location, size and opening of windows; floor, wall, and ceiling finishes;
 - ee) plumbing fixtures;

- ff) structural elements; and
 - gg) stair dimensions;
 - 2) a cross section through the building or structure illustrating foundations, drainage, ceiling heights, and construction systems;
 - 3) a plan of final lot grades and drainage management prepared by a registered professional if the grade is changed from that grade previously approved or existing.
 - 4) elevations from natural grade to the highest point of all sides of the building or structure showing roof slopes, windows, and doors;
 - 5) cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the BCBC;
 - vii) a plan of final lot grades and drainage management prepared by a registered professional if the grade is changed from that grade previously approved or existing;
 - ix) a copy of the Safety Measures to be put in place to comply with the BCBC and local Bylaws and requirements;
 - x) copies of any approvals required under any enactment relating to health or safety; and
 - xi) the Owner provides evidence pursuant to section 30(1) of the *Home Owner Protection Act* that the proposed residence is to be constructed by an Owner/Builder or is to be constructed by a licensed residential builder as applicable.
- b) In addition to the requirements of section 7(a), the Building Official may require the following:
- i) site servicing drawings prepared by a registered professional, which include detail of off-site services at the property line, in accordance with the Village's Development Works and Services requirements as contained in the 'Corporation of Village of Cumberland Subdivision and Development Bylaw No. 948, 2012'; and
 - ii) any other information required to establish substantial compliance with the BCBC, this Bylaw, and other regulations and enactments relating to the proposed construction.

8. Plumbing Permits

- a) An application for a Plumbing Permit shall be made in the form provided by the Village, signed by the Owner and will include the following:
 - i) a copy of the title search for the subject property made within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) two sets of schematic drawings at a suitable scale of design and including the information set out in the BCBC. This requirement for drawings is

waived if the applicant for the Permit is a professional Plumber who supplies his trades qualification number on the application; and

- iii) any other information required by the Building Official or the BCBC to establish substantial compliance with this Bylaw, the BCBC and other Bylaws and enactments relating to the building or structure.
- b) A Plumbing Permit is not required when a valve, faucet, or fixture is replaced or repaired, a stoppage cleared or a leak repaired if no change in the piping is required.

9. Fire Suppression Systems Permits

- a) An application for a Plumbing Permit in regard to Fire Suppression Sprinkler System shall be made in the form provided by the Village, signed by the Owner and will include the following:
 - i) a copy of the title search for the subject property made within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) two sets of drawings at a suitable scale of design prepared by a Registered Professional and including the information as set out in the BCBC;
 - iii) letters of assurance as required pursuant to the BCBC, prepared by the Coordinating Registered Professional, or as directed by the Building Official, such registered professionals to prepare the design for and conduct field reviews of the construction of the building or structure.
- b) A Permit is not required when a sprinkler head or valve is replaced or repaired, a stoppage cleared, or a leak repaired if no change in the piping is required.

10. In-Ground Sprinkler Systems Permits

- a) An application for a Plumbing Permit in regard to an In-Ground Sprinkler System shall be made in the form provided by the Village, signed by the Owner and will include the following:
 - i) a copy of the title search for the subject property made within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) two sets of drawings at a suitable scale of design prepared by a professional and including the information set out in the BCBC;
 - iii) letters of assurance as required pursuant to the BCBC, prepared by the Coordinating Registered Professional, or as directed by the Building Official, such registered professionals to prepare the design for and conduct field reviews of the system.
- b) A Permit is not required when a sprinkler head or valve is replaced or repaired, a stoppage cleared, or a leak repaired if no change in the piping is required.

11. Demolition or Deconstruction Permits

- a) An application for a Demolition or Deconstruction Permit for a building or structure shall be made in the form provided by the Village, signed by the Owner and will include the following:
 - i) a copy of the title search for the subject property made within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) A copy of the Safety Measures to be put in place to comply with the BCBC and local Bylaws and requirements.
- b) When a building or structure has been demolished or deconstructed and a Building Permit is not subsequently issued or a subsisting Building Permit has expired but without the construction of a replacement building or structure having been substantially commenced, the Owner shall fill in any excavation to restore the natural grade of the site within 60 days of being served notice by the Village to do so.

12. Excavation Permit

- a) An application for an Excavation Permit in respect to an excavation as defined in this Bylaw, is to be carried out when the excavation is not part of any Building Permit shall be made in the form provided by the Village, signed by the Owner and will include the following:
 - i) a copy of the title search for the subject property made within 10 days of the date of the application. Where the property is owned by a company, a Corporate Search which shows the company's principals must be included. Where a company name is not registered the application must be made in an individual's name;
 - ii) A copy of the Safety Measures to be put in place to comply with the BCBC and local Bylaws and requirements.
- b) When an excavation has been left open for more than 30 days without any works being carried out, the Owner shall be required to fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the Village to do so.
- c) If the Owner fails to comply with 11(b) above, the Village may carry out the restoration and invoice the Owner for the cost of said works.

13. Retaining Structures

- a) A Building Permit is required for a retaining building or structure where any portion of said structure is greater than 1.2metres (3.9feet) in height measured on the most exposed side.
- b) When a Building Permit is required, the Owner must provide a design plan and field review reports prepared and certified by a Registered Professional. The cost for the engineer's services is the responsibility of the Owner.
- c) Notwithstanding 13(a) above, if the Building Official is of the opinion that any existing retaining structure, regardless of height, is structurally inadequate or

unsound, the Owner will be required to consult a professional engineer to determine what action, if any, is required to restore the structural integrity of the retaining structure. The cost for the engineer's services is the responsibility of the Owner.

14. Fees

a) Application

- i) An application made for any permit shall be made in the form acceptable to the Village and accompanied by the Permit Processing Fee prescribed in Table 14.2;
- ii) No processing of the application will be done prior to the fee being paid;
- iii) An application will be considered abandoned and the Permit Processing Fee forfeited when the earliest of these occurs:
 - 1) 180 days after the application date, the Building Inspector is unable to issue the Permit due to the incompleteness of the submissions; or
 - 2) 90 days after notification to the Owner that the Permit is ready to be issued and the Permit fee paid and it is not picked up.
- iii) An application may be cancelled by the Owner in writing to the Village. Any refunds shall be payable in accordance with Table 14.2. Plans and related documents submitted with the application shall be returned to the Owner or disposed of as per the Owner's instructions.

b) Permit Fees

- i) A Permit Fee will be calculated as prescribed in Table 14.2 and must be paid in full prior to issuance of a Permit under this Bylaw.
- ii) In addition to fees applicable to a Permit under this Bylaw, there may be other fees and charges that will be required prior to issuance of a Permit.
- iii) If the Owner wishes to request a refund of fees after a Permit has been issued, refunds are as prescribed in Table 14.2.
- iv) The Permit Fee as required in Table 14.2 shall be reduced by 5%, up to a maximum reduction of \$250.00, where the owner applies to use "green infrastructure" alternatives certified by a registered professional which meet or exceed MMCD performance standards for water conservation, stormwater management, and energy conservation.

c) Damage Security

- i) A damage security in a form acceptable to the Village in the amount prescribed in Table 14.2 shall be paid to the Village before the Building Permit is issued.
- ii) The Village will return the security paid to the person who paid it at the address contained in the Building Permit file, after:
 - 1) final approval has been issued; or
 - 2) the Permit is abandoned or expires;and municipal streets, sidewalks, curbs, water, sanitary sewer, storm sewer drainage systems, and any other works on Village property have been inspected and found to be in acceptable condition by the Building Official.

d) Re-Inspection(s) Fee

Where, due to non-compliance with the BCBC or the approved Permit, a third or subsequent inspection is necessary, a fee for the additional inspection after the second inspection, in accordance with Table 14.2 shall be paid prior to additional inspection(s) being performed.

e) Peer Review Fee

Prior to issuing a permit, the Owner shall be required to reimburse the Village of all costs incurred in processing the application. These items may be of advice and review of: legal, engineering, environmental and architectural matters, as well as any public consultation regarding the project. The applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred.

f) Special Inspection Fee

A Special Inspection fee, prescribed in Table 14.2, shall be payable in advance for an inspection to confirm compliance or to obtain a report on the status of an existing building or structure for which a permit is sought under this Bylaw.

g) Revision Fee

The Revision Fee as prescribed in Table 14.2, shall be payable when an application for amendment or additions to a valid permit is made.

h) Transfer Fee:

A transfer fee, prescribed in Table 14.1, shall be payable prior to the transfer of a valid permit from one Owner to another.

Table 14.1	
DESCRIPTION	TRANSFER FEE
For the transfer of a valid permit from one Owner to another:	\$100

TABLE 14.2

Description of Works		Permit Processing Fee (non-refundable)	Permit Fee	Damage Deposit	Refund of Permit Fee	Extension of Permit	Revision/Amendment of Permit	
1.	Building Permits for construction with an estimated value of							
a)	Equal to or less than \$10,000	\$50 ^{1,2}	0.6% of the estimated value of construction ^{3,4}	Nil		\$100	\$100	
b)	Greater than \$10,000 but not exceeding \$100,000	\$150 ^{1,2}		\$250		\$100	\$100	
c)	Greater than \$100,000 but not exceeding \$250,000	\$250 ^{1,2}		\$1,500		\$100	\$100	
d)	Greater than \$250,000	\$500 ^{1,2}		\$3,000		\$150	\$250	
2.	Plumbing							
a)	Complex buildings	\$150 ^{1,2}	\$100 + \$10/fixture ^{3,4}	None	<ul style="list-style-type: none"> ● Permit Processing Fee is non-refundable. ● Permit Fees less than 10% after permit has been issued. No refund after construction has commenced ● Damage Deposit refundable per Part C, section 14(c). ● No refund of extensions request or revision /amendment fees 	\$75	\$100	
b)	Standard buildings	\$100 ^{1,2}	\$50 + \$5/fixture ^{3,4}	None		\$50	\$75	
3.	Other Permits							
a)	Excavation	\$100 ^{1,2}	\$100 ^{3,4}	\$5,000	<ul style="list-style-type: none"> ● Permit Processing Fee is non-refundable. ● Permit Fees less than 10% after permit has been issued. No refund after construction has commenced ● Damage Deposit refundable per Part C, section 14(c). ● No refund of extensions request or revision /amendment fees 	\$50	\$50	
b)	Demolition/Deconstruction	\$100 ^{1,2}	\$100 ^{3,4}	\$1,500		\$50	\$50	
c)	Change of Occupancy (Use)	\$100 ^{1,2}	\$100 ^{3,4}	None		None	None	
d)	Wood-burning appliances and chimneys	\$50 ^{1,2}	\$50 ^{3,4}	None		\$25	\$25	
e)	Fire Suppression – Automatic Sprinkler System							
i)	Complex Structures	\$150 ^{1,2}	\$100 + \$10/fixture ^{3,4}	None		\$50	\$50	
ii)	Standard Buildings	\$100 ^{1,2}	\$50 + \$5/fixture ^{3,4}	None		\$25	\$25	
f)	In-Ground Sprinkler System							
ii)	Accessory to Complex Building	\$100 ^{1,2}	\$75 + \$10/fixture ^{3,4}	None		\$50	\$50	
iii)	Accessory to Standard Building	\$50 ^{1,2}	\$25 + \$5/fixture ^{3,4}	None		\$25	\$25	
g)	Moving Buildings & Structures with a GFA of:							
i)	Equal to or less than 50.0m ²	\$100 ^{1,2}	\$100 ^{3,4}	\$2,500	\$75	\$100		
ii)	Equal to or more than 50.0m ² but less than 100m ²	\$150 ^{1,2}	\$200 ^{3,4}	\$5,000	\$100	\$125		
iii)	Equal to or more than 100.0m ²	\$250 ^{1,2}	\$300 ^{3,4}	\$10,000	\$125	\$150		
4.	Re-inspection or Special Inspections							
a)	Complex Building	Not applicable	\$250	None	None	None	None	
b)	Standard Building	Not applicable	\$100	None	None	None	None	

Notes (may not be applicable to all Permits)

- 1 The permit processing fee is doubled for carrying on work without a valid permit
- 2 If a Stop Work Order is issued and remains outstanding for 30 days, an additional charge equal to 25% of the Permit fee will be charged
- 3 **Plus** a fee to reimburse the Village (at cost) for retrieval of existing titles, SRW, RW, covenants and easements, etc. will be required
- 4 **Plus** Peer Review fee
- 5 Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these additional documents shall be borne by the Owner in accordance with Table 14.3 (Bylaw 1026)

i) Other Fees:

The applicable fees prescribed in Table 14.3 shall be payable in advance for the requested services or products listed;

Table 14.3 - OTHER FEES		
i)	Rescind a Stop Work or Do Not Occupy notice	\$100
ii)	Document Retrieval	
	1) Title Search (not associated with a Permit process)	\$15 each
	2) Covenants, easements, rights-of-way, etc through LTO	\$15 each
	3) Covenants, easements, rights-of-way, etc through other source	\$10 PLUS Costs
	4) Covenants, easements, rights-of-way, etc "on hand"	\$5 each
iv)	To remove a Notice on Title	\$150
v)	Copy of Building Bylaw	\$5
vi)	Archives Research which require a written response:	
	1) For requests by Owners of single residential units	\$50
	2) All Other requests	\$150

(Bylaw 1026)

15. Professional Plan Certification

- a) The letters of assurance in the form of Schedules B-1, B-2, and C-B referred to in of the BCBC and required by this Bylaw are to be relied upon by the Village and the Building Official as certification that the design and plans to which the letters of assurance relate comply with the BCBC and other applicable enactments relating to safety.
- b) A Building Permit that is issued pursuant this Bylaw may 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 BCBC and other applicable enactments relating to safety.
- c) When a Building Permit is issued in accordance section 15(b), the Permit Fee as required in Table 14.2 shall be reduced by 10%, up to a maximum reduction of \$500.00.
- d) An Owner who wishes to provide an alternative solution to satisfy one or more of the requirements of the BCBC or this Bylaw must submit sufficient evidence to demonstrate that the proposed alternative solution will provide the level of performance required by the BCBC or this Bylaw.

(Bylaw 1112)

16. Survey Certificate for Buildings and Structures

- a) Every Owner to whom a Building Permit is issued must, upon completion of the foundations or erection of a building or structure, submit a certificate of location prepared by a BC Land Surveyor which will show:
 - i) the dimensions and bearings of the subject property taken from the registered subdivision plan;
 - ii) the legal description and civic address of the subject property;
 - iii) the location and dimensions of all rights-of-way (statutory and other), easements; setback requirements and covenant areas;
 - iv) the location from property lines and dimensions of all building(s) or structure(s) on the subject property;
 - v) setbacks to the natural boundary of the sea and any waterbody, wetland, or watercourse where applicable;
 - vi) the finished flood construction levels to Geodetic Datum where applicable; and
 - vii) the height of the building or structure from the natural grade to the highest part of the building or structure.
- b) The Building Official may waive the requirements for a survey certificate of location, in whole or in part, where:
 - i) the Building Permit is issued for the internal repair and/or alteration of an existing building or structure where there no change to the footprint of the building or structure;
 - ii) the location of the subject building or structure is more than 1.0metre (3.3feet) from minimum property line setbacks or setbacks to natural boundary of any lake, wetland, pond or watercourse;
 - iii) the geodetic elevation of the underside of the floor system or the top of any pad supporting a building or structure is more than 1.0metre (3.3feet) above the established geodetic elevation related to minimum flood construction levels; or
 - iv) the height of the building or structure is less than 0.3metres (1.0foot) of the maximum permitted by Bylaw.

17. Climatic and Geological Data

- a) Climatic and geological values required for the design of building or structures shall conform to the values prescribed in Table 17.1.

Table 17.1 Climatic Data	
Ground Snow Load (kPa)	
S _s	S _R
3.5	0.4

(Bylaw 1026)

- b) Where no climatic and geological value is prescribed in Table 17.1 the Owner shall submit evidence in writing from Environment Canada to establish the climatic and geological values.

18. Permits

a) Issuance

A Building Official shall issue the Permit for which the application is made when:

- i) the completed application including all required supporting documentation has been submitted;
- ii) the Permit Fee and other fees as applicable, calculated in accordance with the value prescribed in Table 14.2, has been paid in full;
- iii) the proposed work set out in the application substantially conforms with the BCBC, this Bylaw, and all other applicable Bylaws and enactments; and
- vi) no enactment, covenant, agreement, or regulation authorizes the Permit to be withheld.

b) Expiration

Every permit is issued upon the condition that the Permit shall expire and the rights of the Owner under the permit shall terminate if:

- i) the work authorized by the Permit is not first inspected within six months from the date of issuance of the permit;
- ii) work is discontinued for a period of more than six months;
- iii) the work is not completed within 24 months from the date of issuance of the permit; or
- iv) with regards to a relocated building or structure, the required works are not completed within 12 months of issuance of the Permit.

c) Extension

- i) A Building Official may extend the period of time set out under section 18(b) where construction has not been commenced or where construction has been discontinued due to adverse weather, labour strikes, material or labour shortages, or similar hardship beyond the Owner's control.
- ii) The applicable Permit Extension Fee as prescribed in Table 14.2 shall be paid in full.
- iii) A Permit may only be extended:
 - 1) once;
 - 2) within 90 days of the date on which the Permit expired; and
 - 3) for a period of not more than one calendar year.

19. Disclaimer of Warranty or Representation

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 BCBC 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 BCBC or this Bylaw or any standard of construction.

20. Professional Design and Field Review

- a) When a Building Official considers that the site conditions, size or complexity of a development or an aspect of a development warrants it, he may require a registered professional provide design and plan certification and field review by means of letters of assurance.
- b) 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 this Bylaw, the Owner shall provide the Village with letters of assurance as required by the BCBC.
- c) When a Registered Professional provides letters of assurance in accordance with of this Bylaw, he shall also provide proof of professional liability insurance to the Building Official.

21. Responsibilities of the Owner

- a) Every Owner shall ensure that all construction complies with the BCBC, this Bylaw and other applicable enactments respecting safety.
- b) Every Owner to whom a Permit is issued, shall be responsible for the cost of repair of any damage to Village infrastructure that occurs in the course of the work authorized by the Permit.

- c) Every Owner to whom a Permit is issued, shall, during construction:
 - i) keep a copy of the accepted designs, plans, and specifications on the property; and
 - ii) post the civic address on the property in a location visible from any adjoining streets.

22. Inspections

- a) When a Registered Professional provides letters of assurance in accordance with this Bylaw and the BCBC, the Village may rely solely on field reviews undertaken by the Registered Professional that the construction substantially conforms to the design and that the construction substantially complies with the BCBC, this Bylaw and other applicable enactments respecting safety.
- b) Notwithstanding section 22(a) 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.
- c) A Building Official may attend periodically at the site of the construction of standard buildings to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the those portions of the BCBC, this Bylaw and any other applicable enactment concerning safety.
- d) The Owner shall give the Village at least 24 hours notice when requesting an inspection for the following aspects of the work:
 - i) **Rough grading:** Changes to approved or existing grades
 - ii) **Footings:** after the forms for footings and foundations are complete, but prior to pouring of concrete;
 - iii) **Drain tile and Dampproofing:** after installation of perimeter drain tiles and dampproofing but prior to backfilling;
 - iv) **Framing:** after framing and sheathing is complete, including firestopping, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
 - v) **Underslab and Rough-in Plumbing:** after the rough-in underslab plumbing is complete and under test but prior to covering;
 - vi) **Insulation and Vapour Barrier:** after insulation and vapour barrier but before any interior finish is applied;
 - vii) **Chimney and Fireplace Heating:** after the rough-in construction of new masonry chimneys and fireplaces and/or or installation of new unused factory-built chimneys and fireplaces and solid fuel-burning appliances prior to covering;

- viii) **Service Connections:** after the water, sanitary sewer, and storm drainage are connected and under test but prior to covering;
 - ix) **Final Grading:** prior to final inspection after the final grading has been achieved on the lot;
 - x) **Final Inspection:** when the building or structure meets all the requirements of the BCBC;
 - ix) **Occupancy Permit:** when the building meets all the safety requirements of the BCBC and this Bylaw, but before the building is occupied in the whole or part.
- e) No aspect of the work referred to in section (d) above shall be concealed until a Building Official has accepted it in writing.
 - f) The requirements of section (d) above 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 the BCBC or this Bylaw.

23. **Occupancy Permits**

- a) No person shall occupy or change the class of occupancy of a building or in part of a building until an Occupancy Permit has been issued by the Building Inspector.
- b) An Occupancy Permit shall not be issued unless all letters of assurance have been submitted when required in accordance with the BCBC and this Bylaw and all aspects of the works, not covered by the letters of assurance, have been inspected and accepted by the Village.
- c) A Building Official may issue an 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 this Bylaw have been met with respect to such part.

24. **Lot and Driveway Grades**

- a) An owner who wishes to alter the existing or approved grading of his lot shall apply to the Village for approval.
- b) Plans to alter grades shall not cause or have potential to cause a nuisance, hazard or damage or adversely affect the stability of a slope or top of bank.
- c) **Lot Grading Requirements**
 - i) The Building Inspector may approve surface elevations and surface grades of a lot in two stages:
 - 1) rough grading; and
 - 2) final grading.

- ii) The Owner shall apply to the Building Official to inspect the rough grading prior to further to further works such as foundations being poured or final grading;
- iii) Final grading shall be prior to Final Inspection or within 60 days of the establishment of the final grading.
- iv) In the case of lot grading for complex buildings or structures, an ‘As-Constructed’ plan certified by the Registered Professional is required.

d) Alterations within a Public Right-of-Way

No person, except with written authorization from the Village in the form of a Permit to do Works on a Public Right-of-Way, shall obstruct, remove, re-grade or alter a drainage swale, canal, ditch, reservoir or other man-made surface drainage feature or facility located within a public right-of-way.

25. Driveway Grades

Grade maximums for driveways are as follows:

Uses	Accessing Local Roads	Accessing Major Roads
Residential	15%	10%
Multi-family	12%	10%
Other	As determined by Registered Professional	

26. Roof Drainage

- i) The management of roof drainage shall be in accordance with the BCBC, the guidelines of the Official Community Plan, and Village policies.
- ii) Owners are encouraged to provide infrastructure to retain as much stormwater on the site as possible, the design of which shall be prepared and certified by a professional engineer.
- iii) At no time shall roof drainage from a building or structure be discharged:
 - 1) directly onto a pervious ground surface within 1.0m (3.3feet) of the building or structure which has a basement or crawlspace below the finished grade;
 - 2) within 30cm (6in) of an adjacent lot or a public road right-of-way;;
 - 3) to a location where the flow of water or accumulation of water would adversely affect or have potential to adversely affect the stability of a slope or top of bank;
 - 4) to a location where the flow of water or accumulation of water would have a detrimental effect on a ravine or an environmentally sensitive area;
 - 5) to a location or in such a way as to cause or have potential to cause a nuisance, hazard or damage.

27. Street Cleaning

During construction, the Village may require that the streets adjacent to the site be cleaned every Friday by 3:00pm or as otherwise considered necessary, for the duration of the construction of the works. If required to do so and the Owner fails to have this done, the Village may arrange for the cleaning to be done and the cost for same will be immediately payable by the Owner to the Village upon presentation of the invoice. Occupancy may be withheld if these amounts are not paid.

28. Sediment Control

If, in the opinion of the Village, there is or there is the potential for, debris and soils entering the drainage system, the Village may install at the Owner's cost, a method of silt containment in catchbasins as required. It is the Owner's responsibility to maintain the silt containment as per the manufacturer's instructions. If the Owner fails to do so, the Village may undertake such maintenance and the cost for same will be immediately payable by the Owner to the Village from the damage deposit paid. Occupancy may be withheld if these amounts are not paid.

29. Fire Smart

Each year there are more than 2,000 wildfires in B.C. Although many occur far away from communities, as people build more homes in 'wildland-urban interface' areas, more fires are impacting residential areas. Every year, interface fires threaten or burn homes, cabins and other high value resources.

Owners are encouraged to consider constructing their buildings and structures according to the guidelines found in the Fire Smart Manual¹

30. Pools

- a) The Owner shall:
- i) provide a walkway with a minimum unobstructed width of 1.2metres (4.0feet) around the perimeter of a pool;
 - ii) provide a deck around the perimeter of a pool where the difference in elevation from the water surface to grade exceeds 0.9metres (3.0feet);
 - iii) enclose an area not less than 7.5metres (24.6feet) on all sides from the pool edge within a fence:
 - 1) not less than 1.4metres (4.6feet) in height;
 - 2) with no opening, including any opening between the bottom of the fence and grade, greater than 100.0centimmetres (4.0inches) in its least dimension;

¹ Fire Smart Manual may be found at <http://www.pssg.gov.bc.ca/firecom/pdf/homeowner-firesmart.pdf>

- 3) so designed so that no member, attachment, or opening located between 0.3metres (1.0feet) and 1.2metres (4.0feet) above grade will facilitate climbing; and
- iv) provide access through the fence to the pool area via a gate equipped with:
 - 1) a self-closing device which will return the gate to a closed position and cause it to be held after each use;
 - 2) a positive latching device located on the pool side of the fence not less than 1.2metres (4.0feet) above grade; and
 - 3) a locking device.

31. Manufactured Homes

- a) Manufactured homes shall be certified, prior to placement on any lot (where permitted by Village bylaw) as complying with *Canadian Standards Association Standard* and shall be installed in accordance with their manufacturer's installation instructions.
- b) Manufactured homes that are not certified by CAN/CSA, prior to placement on the site, shall conform to this Bylaw and the BCBC.

32. Moving or Relocating a Building or Structure

- a) No person shall move or relocate a building or structure or part of a building or structure into or within the Village until a Moving Permit has been issued by the Village.
- b) Before a Moving Permit may be issued, a valid Building Permit to site the building or structure is required.
- c) A Moving Permit shall not be issued unless the building or structure intended to be moved has been certified by a Registered Professional as being safe to be moved into the Village.
- d) A Moving Permit issued by the Village is valid only on streets within the Village, when traveling on Provincial highways and roads, the applicant must obtain a Permit from the Ministry of Transportation and Infrastructure.
- e) A Moving Permit shall not be issued unless the move has received the approval of the following agencies:
 - i) RCMP;
 - ii) ICBC;
 - iii) BC Hydro;
 - iv) Shaw;
 - v) Telus; and
 - vi) Fortis
- f) **Moving Permit Performance Security**
 - i) Moving Permit applications shall require a performance security in a form acceptable to the Village, in an amount equal to 120% the estimated cost of the architectural and structural changes required to make the building or structure conform to the standards required in the BCBC and this Bylaw.

- ii) When the works described in the Building Permit have been given Final Inspection, the security will be returned.
- iii) If the applicant fails to carry out the work required to make the building or structure to conform within 12 months from the date of issuance of the permit the security shall be used by the Village either (at the Village's discretion) complete the outstanding works or have the structure removed from the lot. The Building Official will give the Owner written notice of the Village's decision.
- iv) Should the Owner or his agent fail to comply with the order of the Building Official, the Village Council may, by resolution, order the demolition of the subject building or structure at the expense of the Owner and the cost of demolition shall be recoverable from the damage security paid.

g) Liability Insurance

Prior to issuing a Moving Permit, the Owner shall provide proof of \$3,000,000 liability insurance specifying coverage for the structural moving of the subject building or structure, and naming the Village as third party insured.

h) Moving Permit Regulations

The following conditions shall apply to all permits for moving or relocating of a building or structure:

- i) All moves are restricted to 12:00am to 6:00am Monday to Friday, excluding holidays. Council delegates the ability to vary this requirement to the Building Official in exceptional circumstances.
- ii) For each move three pilot cars are required.
- iii) Pilot property cars must comply with Division 8 of the *Commercial Transport Act* regulations except that one of the pilot cars may be an alternative tow vehicle.
- iv) Two-way radio communication is required between pilot cars and towing vehicles.
- v) Safety lighting must include:
 - 1) four flashing amber lights, two at front extremities and two at rear extremities of the building or structure being moved
 - 2) clear or white lights completely around the building or structures perimeter (at least 40watts per 3.0metres of building or structure)
 - 3) floodlights front and rear.
- vi) Steerable house moving dollies are required and no major support member of the transportation platform (beams, bolsters, bunks, etc.) may be of wooden construction.

- vii) Any building or structure in excess of 4.7metres in loaded height must use a Skid Board System to allow safe passage under utility and low voltage power lines.
- viii) An external guide to assist the driver must be in charge of all moves to ensure safe movement of vehicle and load and that all obstacles are cleared horizontally and vertically.
- xi) The Permit is invalid when atmospheric conditions make persons or vehicles on a street not discernible at a distance of 100.0metres.

33. Enforcement

- a) A Building Official may order the cessation of any work that is proceeding in contravention of the BCBC or this Bylaw by posting a Stop Work Order in the form provided by the Village.
- b) The Owner of property on which a Stop Work Order 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 Order has been rescinded in writing by a Building Official.
- c) Where a person occupies a building or structure in contravention of section 3 of this Bylaw, a Building Official may post a Do Not Occupy Notice in the form provided by the Village on the affected part of the building or structure.
- d) 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 BCBC, this Bylaw or 'Village of Cumberland Controlled Substance Property Bylaw No. 764, 2002' and amendments thereto, have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a Building Official.
- e) Every person who commences work requiring a permit without first obtaining such a permit shall, if a Stop Work Order is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the permit fee prior to obtaining the required permit.

PART D ENACTMENT				
READ A FIRST TIME THIS	10th	DAY OF	September,	2012.
READ A SECOND TIME THIS	10th	DAY OF	September,	2012.
READ A THIRD TIME THIS	9th	DAY OF	October,	2012.
ADOPTED THIS	22nd	DAY OF	October,	2012.

Mayor

Corporate Officer