

**TOWN OF PORT McNEILL
BYLAW NO. 610, 2009**

A Bylaw to Provide for the Administration of the Building and Plumbing Code

WHEREAS the Local Government Act authorizes the Council for the Town of Port McNeill, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

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

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

NOW THEREFORE THE COUNCIL of the Town of Port McNeill, in open meeting assembled, **ENACTS**, as follows:

1. TITLE

1.1 This bylaw may be cited for all purposes as the "Town of Port McNeill Building and Plumbing Bylaw No. 610, 2009."

2. DEFINITIONS

In this bylaw:

The following words and terms have the meanings set out in Part 1 of the British Columbia Building Code: assembly occupancy, 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.

2.1 "ACCESSORY" means customarily incidental to the permitted use of land, buildings or structures, located on the same lot.

"AUTHORITY HAVING JURISDICTION" means the Town of Port McNeill and the employees or contractors authorized by the Town, that have the authority over the subject that is regulated.

"BUILDING CODE" means the British Columbia Building Code 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” means Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Town of Port McNeill or the Mount Waddington Regional District.

“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

- (b) all buildings exceeding 600 square metres in building area or exceeding three storeys in building height used for major occupancies classified as:
 - i. residential occupancies
 - ii. business and personal services
 - iii. mercantile occupancies or
 - iv. medium and low hazard industrial occupancies.

“HEALTH AND SAFETY ASPECTS OF THE WORK” means design and construction regulated by Part 3, Part 4, Part 7 and Part 9 of the Building Code.

“MEDICAL HEALTH OFFICER” means the Medical Health Officer appointed pursuant to the Health Act;

“NATURAL BOUNDARY” means the visible high-water mark of any lake, river, or stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to the nature of the soil itself.

“OWNER” means any person, firm or corporation controlling the property under consideration.

“STANDARD BUILDING” means a building of three storeys or less in building height, having a building area not exceeding 600 square metres and used for major occupancies classified as:

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

“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 1.2 metres in height.

“TOWN” means the Corporation of the Town of Port McNeill.

3. PURPOSE OF BYLAW

- 3.1 This bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- 3.2 This bylaw is enacted and retained for the purpose of regulating construction within the Town of Port McNeill in the general public interest. The activities undertaken by or on behalf of the Town of Port McNeill pursuant to this bylaw are for the sole purpose of providing a limited spot check for health, safety and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:
- 3.2.1 to the protection of owners, owner/builders or constructors from economic loss;
 - 3.2.2 to the assumption by the Town of Port McNeill or any Building Official, of any responsibility for ensuring the compliance by any owners, his or her representatives or any employees, constructors, or designers retained by him or her, with the Building Code, the requirements of this bylaw or other applicable enactments respecting safety;
 - 3.2.3 to providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or occupancy permit is issued under this bylaw;
 - 3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Town of Port McNeill is free from latent, or any, defects.

4. PERMIT CONDITIONS

- 4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Town of Port McNeill 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 the Building Code, this bylaw and/or other enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the Building Code, this bylaw and/or other enactments respecting safety.
- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Town of Port McNeill constitute in any way a representation, warranty,

assurance or statement that the Building Code, this bylaw and/or other enactments respecting safety have been complied with.

- 4.5 No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

5. SCOPE AND EXEMPTIONS

- 5.1. This Bylaw applies to the design, construction, installation and occupancy of new buildings, structures and plumbing systems and the alteration, reconstruction, demolition, removal, repair, relocation and occupancy of existing buildings and structures.

- 5.2.1 5.2.1 This Bylaw does not apply to one storey buildings less than 46 m² (500 sq. ft.) in area used or intended for horticultural purposes.

- 5.2.2 This Bylaw does not apply to non-structural repairs valued at less than Two Thousand (\$2,000) dollars as determined by the Building Official made to buildings used or intended for:

5.2.2.1 Single family houses

5.2.2.2 Private garages or residential accessory buildings

- 5.2.3 This Bylaw does not apply when a fixture, valve or faucet is repaired or replaced, a stoppage cleared or a leak repaired if no change in the piping is required.

- 5.2.4 This Bylaw does not apply to storage sheds provided that:

5.2.4.1 the storage shed does not exceed 10 m² in floor area

5.2.4.2 the storage shed is one storey

5.2.4.3 the storage shed does not exceed 3 m to peak in height; and

5.2.4.4 the location of the storage shed complies with the Port McNeill Zoning Bylaw.

- 5.2.5 This Bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, not to retaining structures less than 1.2 metres in height.

6. GENERAL PROVISIONS

- 6.1 The use, siting and size of all buildings shall conform to the Port McNeill Zoning Bylaw.

- 6.2 Notwithstanding all provisions included in this Bylaw, all construction must adhere to the provisions included in the Port McNeill Zoning Bylaw.

7. SEVERABILITY

- 7.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

8. APPLICATION

- 8.1 This Bylaw shall apply to the area located within the boundaries of the Town of Port McNeill.

9. PROHIBITION

- 9.1 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.
- 9.2 No person shall occupy or use any building or structure unless a valid and subsisting occupancy permit has been issued by a building official for the building or structure, or contrary to the terms of any permit issued or any notice given by a building official.
- 9.3 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.
- 9.4 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, certificate posted upon or affixed to a building or structure pursuant to this bylaw.
- 9.5.1 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 of this bylaw.
- 9.5.2 No person shall obstruct the entry of a building official or other authorized official of the Town of Port McNeill on property in the administration of this bylaw.

10. DUTIES

- 10.1 The authority having jurisdiction may:
- 10.1.1 administer this Bylaw;
 - 10.1.2 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 copies of such documents;
 - 10.1.3 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.

11. POWERS

- 11.1 The authority having jurisdiction may:
- 11.1.1 ensure that employees or persons charged with administration of this Bylaw carry proper identification;
 - 11.1.2 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;
 - 11.1.3 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;
 - 11.1.4 a building official may order the correction of any work that is being or has been done in contravention of this bylaw.

12. PERMITS

- 12.1 Every person shall apply for and obtain:
- 12.1.1 a building permit before constructing, repairing, moving, installing or altering a building, structure, sign, change in occupancy or plumbing system;
 - 12.1.2 a demolition permit before demolishing a building or structure.
- 12.2 Applications for the permits noted in 12.1 shall be made in the form prescribed from time to time by the Town of Port McNeill.
- 12.3 A moving permit before moving a building or structure;
- 12.4 A fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid building permit.
- 12.5 All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.
- 12.6 Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with Schedule "G" of the current Town of Port McNeill Fee Setting Bylaw.
- 12.7 Every person, making application for a building permit in the Town of Port McNeill, must also make application for an "access permit" to allow for access to a city street or road.
- 12.8 Applications for the permits noted in 12.5 shall be made in the form prescribed from time to time by the Town of Port McNeill.

13. APPLICATIONS FOR COMPLEX BUILDINGS

- 13.1 An application for a building permit with respect to a complex building shall:
- 13.1.1 be made in the form prescribed from time to time by the Town of Port McNeill, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional.
 - 13.1.2 Be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed from time to time by the Town of Port McNeill, signed by the owner, or a signing officer if the owner is a corporation.
 - 13.1.3 Floor plans showing dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the locations, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
 - 13.1.4 A site plan prepared by a British Columbia Land Surveyor showing:
 - 13.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 13.1.4.2 the legal description and civic address of the parcel;
 - 13.1.4.3 the location and dimensions of all statutory rights-of-way, easements and setback requirements;
 - 13.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 13.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Town of Port McNeill's land use regulations establish siting requirements related to flooding;
 - 13.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Town of Port McNeill's land use regulations establish siting requirements related to minimum floor elevation;
 - 13.1.4.7 the location, dimension and gradient of parking and driveway access; and
 - 13.1.4.8 the building official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
 - 13.1.5 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - 13.1.6 elevation of all sides of the building or structure showing finish details, roof slopes, windows, doors and finished grade;
 - 13.1.7 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;

- 13.1.8 copies of approval required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - 13.1.9 letters of assurance in the form of Schedules B-1 and B-2 referred to in the Building Code, each signed by such registered professionals as the building official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure;
 - 13.1.10 two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 13.1.5 – 13.1.9 of this bylaw.
- 13.2 In addition to the requirements of Section 13.1, the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
- 13.2.1 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 Port McNeill Subdivision Bylaw;
 - 13.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 13.2.3 any other information required by the building official or the Building Code to establish substantial compliance with this Bylaw, the Building Code or other Bylaws and enactments relating to the building or structure.

14. APPLICATIONS FOR STANDARD BUILDINGS

- 14.1. An application for a building permit with respect to a standard building shall:
 - 14.1.1. be made in the form prescribed from time to time by the Town of Port McNeill, signed by the owner, or a signing officer if the owner is a corporation;
 - 14.1.2. be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed from time by the Town of Port McNeill, signed by the owner, or a signing officer if the owner is a corporation;
 - 14.1.3. a site plan showing:
 - 14.1.3.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 14.1.3.2 the legal description and civic address of the parcel;
 - 14.1.3.3 the location and dimensions of all statutory rights-of-way, easements and setback requirements;
 - 14.1.3.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;

- 14.1.3.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Town of Port McNeill's land use regulations establish citing requirements related to flooding;
 - 14.1.3.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Town of Port McNeill's land use regulations establish citing regulations related to minimum floor elevation;
 - 14.1.3.7 the location, dimension and gradient of parking and driveway access; and
 - 14.1.3.8 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.
- 14.1.4. 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 locations, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- 14.1.5. A cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 14.1.6. Elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors and finished grade;
- 14.1.7. 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;
- 14.1.8. 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;
- 14.1.9. Two sets of drawings at a suitable scale of the design including the information set out in sections 14.1.5 – 14.1.8.
- 14.2. In addition to the requirements of section 14.1, the following may be required by a building official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, which in the aggregate total more than 1,000 square metres, 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:
- 14.2.1. 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 Port McNeill's Subdivision Bylaw;

- 14.2.2. A section through the site showing grades, buildings, structures, parking areas and driveways;
- 14.2.3. A roof plan and roof height calculations;
- 14.2.4. Structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
- 14.2.5. Letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional;
- 14.2.6. A foundation design prepared by a registered professional in accordance with Section 4.2 and Part 4 of the Building Code, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional.
- 14.2.7. 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.

15. PROFESSIONAL PLAN CERTIFICATION

- 15.1 The letter of assurance in the form of Schedules –1 and B-2 referred in the Building Code and provided pursuant to sections 13.1.9, 14.2.5 and 15.1 of this bylaw are relied upon by the Town of Port McNeill 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.
- 15.2 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 13.2 and letter of assurance pursuant to section 13.1. of this bylaw shall be in the form prescribed from time to time by the Town of Port McNeill.
- 15.3 A building permit issued pursuant to section 15.2 of this bylaw shall be deemed to 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.
- 15.4 When a building permit is issued in accordance with section 15.2 of this bylaw, the permit fee may be reduced by 10% of the fees payable pursuant to this bylaw, up to a maximum of \$5,000 (five thousand dollars).

16. FEES AND CHARGES

- 16.1 In addition to applicable fees and charges required under other bylaws, a permit fee calculated in accordance with this bylaw shall be paid in full prior to the issuance of any permit under this bylaw.

- 16.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as determined in accordance with Section 12.4 of this bylaw.
- 16.2.1 The plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 16.2.2 An application shall be cancelled and the plan-processing 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.
- 16.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 16.3 The owner may obtain a refund of the permit fees set out in this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
- 16.3.1 the refund shall not include the plan processing fee paid pursuant to section 16.2 of this bylaw; and
- 16.3.2 no refund shall be made where construction has begun or an inspection has been made.
- 16.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule "G" of the current Town of Port McNeill Fee Setting Bylaw, shall be paid prior to additional inspections being performed.
- 16.5 For a required permit inspection requested to be done after hours during which the offices of the Building Officials 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 "G" of the current Town of Port McNeill Fee Setting Bylaw.
- 16.6 An inspection charge, as set out in this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or obtain a report on the status of an existing building or structure for which a permit is sought under this bylaw.

17. **BUILDING PERMITS**

17.1. When:

- 17.1.1 a completed application including all required supporting documentation has been submitted;
- 17.1.2 the proposed work set out in the application substantially conforms with the Building Code, this Bylaw and all other applicable bylaws and enactments;
- 17.1.3 the owner or his or her representative has paid all applicable fees set out in section 12.4 of this Bylaw;
- 17.1.4 the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
- 17.1.5 no enactment, or covenant, agreement, or regulation in favour of, or regulation of, the Town of Port McNeill authorizes the permit to be withheld;

a building official shall issue the permit for which the application is made.

- 17.2 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:
- 17.2.1 is covered by home warranty insurance, and;
 - 17.2.2 the contractor is a licensed residential builder.
- 17.3 Section 17.2 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) of the Homeowner Protection Act.
- 17.4 Every permit is issued upon the condition that:
- 17.4.1 the work is to be started within six months from the date of issuing the permit;
 - 17.4.2 the work is not to be discontinued or suspended for a period of more than one year;
 - 17.4.3 the permit shall lapse in the event that either of the conditions in 17.4.1 or 17.4.2 above is not met;
 - 17.4.4 all permits expire after 24 months from the date of issuance, unless the permit has previously expired or the permit has been renewed in accordance with section 17.5.
- 17.5 Provision for renewal of permits shall be as follows:
- 17.5.1 every application for permit renewal shall be considered on the basis of the building regulations in effect on the date of the application for renewal;
 - 17.5.2 application for renewal must be made prior to expiry of the original permit;
 - 17.5.3 the permit renewal shall be for the same period as the original permit;
 - 17.5.4 no permit shall be renewed more than once;
 - 17.5.5 an additional fee as set out in this bylaw shall be paid for renewal of a permit under the provisions of this section;
 - 17.5.6 notwithstanding 17.5.3, when a permit for a one or two-family dwelling is about to expire under the provisions of 17.4.4 and the exterior finish of the structure has been completed, the applicant may be granted a renewal at no additional cost.
- 17.6 An incomplete building permit shall expire 6 months after the date of application.
- 17.7 A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the Town of Port McNeill 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 has not been issued.

- 17.8 When a site has been excavated and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 17.4, 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 69 days of being served notice by the Town of Port McNeill to do so.

18. DISCLAIMER OR WARRANTY OR REPRESENTATION

- 18.1 Without in any way limiting the generality of the foregoing or the following, 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.

19. PROFESSIONAL DESIGN AND FIELD REVIEW

- 19.1 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 reviews by means of letters of assurance in the form of Schedules B-1 and B-2 and C-B referred to in the Building Code.
- 19.2 Prior to 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 13.1.9, 14.2.5 or 19.1 of this bylaw, the owner shall provide the Town of Port McNeill with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in the Building Code.
- 19.3 When a registered professional provides letters of assurance in accordance with 13.1.9, 14.2.5, 19.1 or 19.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the building official in the form prescribed from time to time.

20. RESPONSIBILITIES OF THE OWNER

- 20.1 Every owner shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 20.2 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.

- 20.3 Every owner to whom a permit is issued shall, during construction:
- 20.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 20.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 20.3.3 post the civic address on the property in a location visible from any adjoining streets.

21. INSPECTIONS

- 21.1 When a registered professional provides letters of assurance in accordance with sections 13.1.9, 14.2.5, 19.1 and 19.2 of this bylaw, the Town of Port McNeill will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to section 19.2 of this bylaw as assurance that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 21.2 Notwithstanding section 21.1 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.
- 21.3 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.
- 21.4 The owner or his or her representative shall give at least 24 hours notice to the Town of Port McNeill 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:
- 21.4.1 installing of perimeter drain tiles and damp proofing, prior to backfilling;
 - 21.4.2 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - 21.4.3 rough in of factory build chimneys and fireplaces and solid fuel burning appliances;
 - 21.4.4 the framing and sheathing;
 - 21.4.5 insulation and vapour barrier;
 - 21.4.6 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.
- 21.5 No aspect of the work referred in section 21.4 of this bylaw shall be concealed until a building official has accepted it in writing.

21.6 The requirements of section 21.4 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 13.1.9, 14.2.5, 19.1 or 19.2 of this bylaw.

22. OCCUPANCY PERMITS

22.1 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 from time to time.

22.2 An occupancy permit shall not be issued unless:

22.2.1 all letters of assurance have been submitted when required in accordance with sections 13.1.9, 14.2.5, 19.1 and 19.2 of this bylaw.

22.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 21.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 21.5 of this bylaw.

22.3 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 section 22.2 of this bylaw have been met with respect to it.

23. RETAINING STRUCTURES

23.1 A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.2 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.2 metres in height shall be submitted to a building official prior to acceptance of the works.

24. PENALITIES AND ENFORCEMENT

- 24.1 Every person who contravenes any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$ 10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- 24.2 Every person who fails to comply with any order or notice issued by a building official, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 24.3 A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a **"Stop Work"** notice in the form prescribed from time to time by the Town of Port McNeill.
- 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 9.4 of this bylaw, a building official may post a **"Stop Work"** notice in the form prescribed from time to time.
- 24.6 The owner of property on which a **"Stop Work"** 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 **"Stop Work"** 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 double the building permit fee prescribed from time to time prior to obtaining the required building permit, provided however that the maximum additional fee shall not exceed \$1,000.00.

25. FORMS AND SCHEDULES

- 25.1 Schedule "G", of the current Town of Port McNeill Fee Setting Bylaw, forms part of this Bylaw.

26. REPEAL OF EXISTING BYLAW

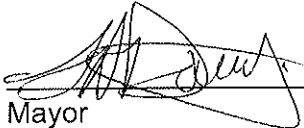
26.1 Bylaw No. 569, 2004 and all amendments thereto are hereby repealed upon the adoption of this bylaw.

Read a first time the 21st day of September, 2009.


Read a second time the 19th day of October, 2009.

Read a third time the 7th day of December, 2009.

Reconsidered and finally adopted the 21st day of December, 2009.



Mayor



Corporate Administrator

Certified to be a true and correct copy of Bylaw No. 610, 2009 as adopted.



Corporate Administrator