

DISTRICT OF FORT ST. JAMES

BYLAW NO. 731, 2000

[CONSOLIDATED WITH AMENDING BYLAW NO. 851, 2007]

WHEREAS The Local Government Act authorizes the District 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 DISTRICT OF FORT ST. JAMES, in open meeting assembled, enacts as follows:

The Council of the District of Fort St. James in open meeting assembled, enacts as follows:

CITATION

1. (1) This bylaw may be cited for all purposes as "The District of Fort St. James Building Bylaw No. 731, 2000".
- (2) This Bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this subsection.
- (3) This Bylaw is enacted and retained for the purpose of regulating construction with the District in the general public interest. The activities undertaken by or on behalf of the District pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of public health and safety. It is not contemplated nor intended, nor does the purpose of this bylaw extend;
 - (a) to the protection of owners, owner/builders or builders from economic loss;
 - (b) to the assumption by the District of any responsibility for ensuring the compliance by any Owner, his representatives or any employees, contractors or design professionals retained by him, with the current edition of the British Columbia Building Code, the requirements of this bylaw or any other applicable codes or standards;
 - (c) to providing to any person a warranty of design or workmanship with respect to any building or structure for which a building permit is issued under this bylaw;

- (d) to provide a warranty or assurance that construction undertaken pursuant to building permits issued by the District is free from latent, or any defects.

INTERPRETATION

2. For the purposes of this bylaw, the following words and expressions are defined, and where the same words and expressions are defined in the Building Code, those definitions do not extend to the use of those words and expressions in this bylaw:

"Agent" includes a person representing the owner by designation or contract and includes a hired tradesman and contractor who may be granted permits for work within the limitations of his licence.

"Authority having jurisdiction" as used in the Building Code for the purposes of this bylaw means the Building Inspector.

"Building" means a structure that is used or intended to be used for supporting or sheltering persons or animals or property, except those prescribed by regulation as exempted from the Building Code and includes plumbing contained in a building and servicing a building.

"Building Code" has the same meaning as the "British Columbia Building Code" in the Building Regulations of British Columbia made pursuant to the Local Government Act.

"Building Inspector" means the person or persons appointed from time to time by the Council as Building Inspector and includes deputy and assistant Building Inspectors.

"Building Permit" means a permit for construction required or issued pursuant to this bylaw.

"Council" means the Council of the Municipality.

"Construct" includes to reconstruct, install, repair, alter, demolish and move.

"Fee" means the fee prescribed in Schedule "A" to this bylaw.

"Lane" means a public secondary access to the side or rear of a parcel.

"Municipality" means the District of Fort St. James.

"Occupancy Permit" means an Occupancy Permit issued pursuant to this bylaw.

"Owner" has the same meaning as in the Local Government Act, and includes an agent, and refers to the owner of a parcel for which a permit is issued under this bylaw.

"Permit" means a Permit required or used pursuant to this bylaw and includes a Building Permit, a Demolition Permit, a Plumbing Permit and a Building Moving

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Permit.

"Pool" means a water receptacle used for swimming or other bath designed to accommodate more than one bather at a time; for decorative or landscaping purposes; but does not include irrigation or natural ponds not filled with domestic water sources.

"Regional Board" means the Board of the Regional District of Bulkley Nechako.

"Zoning Bylaw" means the Zoning Bylaw of the Municipality in effect from time to time.

PROHIBITIONS

3. (1) No person shall, unless exempted by this bylaw or any other enactment, commence or continue to construct a building or structure without first obtaining a Permit for that purpose from the Building Inspector.
- (2) No person shall occupy or use a building or part of it after construction of that building or part of it without first obtaining an Occupancy Permit for it, or contrary to the terms of any Permit, Notice, Certificate or Order given by the Municipality or the Building Inspector.
- (3) No person shall occupy or use a building following a change in class of occupancy of the building or part of it without first obtaining an Occupancy Permit for it.
- (4) No person shall, unless authorized by the Building Inspector, alter, reverse, deface, cover, remove or in any way tamper with any Notice, Permit or Certificate posted pursuant to the provisions of this bylaw.
- (5) No person shall do any work that is at variance with the description, plans and specifications for the building or structure which have been authorized by the Building Inspector and for which a Permit has been issued, unless the variance has first been authorized in writing by the Building Inspector.
- (6) No Permit shall be issued for an alteration, addition or repair to a building which is deficient in means of egress, provision of air, light and ventilation or which is structurally defective, unless that defect or deficiency is corrected at the time of the alteration, addition or repair.
- (7) No person shall continue to do any work upon a building or structure or any portion of it after the Building Inspector has ordered cessation of work on it or has ordered the suspension of any portion of construction of it.
- (8) No person shall do any work or carry out any construction contrary to a provision or requirement of this bylaw or the Building Code.
- (9) No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or re-arrangement of valves, pipes or fixtures or hot water tanks.

AUTHORITY OF BUILDING INSPECTOR

4. (1) The Building Inspector is authorized to
- (a) administer this bylaw;
 - (b) keep records of applications received, Permits and Orders issued, inspections and tests made, and retain copies of all papers and documents connected with the administration of this bylaw; and
 - (c) take such action that he considers necessary in order to establish whether any method or type of construction or material used in the construction of a building conforms with the requirements and provisions of the Building Code;

it being understood that the purpose of this function is to enforce the provisions of this bylaw and not to hold out or warrant to any person that a building is constructed in a safe and proper manner.

- (2) The Building Inspector

Authority to Enter

- (a) is hereby authorized to enter, at all reasonable times, upon any property subject to the regulations of this bylaw and the Building Code, in order to ascertain whether the regulations of or directions under them are being observed;

Consent to Enter

- (b) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice twenty-four (24) hours in advance of entry pursuant to clause (a);

Correct Work

- (c) may order the correction of any work which is being or has been improperly done under any Permit;

Stop Work

- (d) may order the cessation of work that is proceeding in contravention of this bylaw or the Building Code;

Power to Suspend Work

- (e) where any building under construction, in whole or in part,
 - (i) does not conform to this bylaw or the Building Code, or

- (ii) is being constructed without a Permit,

may order the immediate suspension of all or any portion of construction by attaching a Notice to that effect to the building and sending by return registered mail to the owner of the real property on which the building stands, at his address, or by personal delivery, a copy of the notice;

Tests

- (f) shall retain as public records copies of the results of all tests ordered and carried out under the Building Code after construction is completed;
 - (g) may revoke or refuse to issue a Permit where, in his opinion the results of tests referred to in clause (f) are not satisfactory; and
 - (h) may order the correction of any work which he considers is being or has been improperly done.
- (3) Notwithstanding any other provisions of this bylaw or the Building Code, whenever, in the opinion of the Building Inspector, the proposed work requires specialized technical knowledge, he may require, as a condition of the issuance of a Permit, that all drawings, specifications and plot plans, or any part of them, be prepared, signed and sealed by and the construction carried out under the supervision of an architect or professional engineer specializing in the relevant field of engineering.

Professional Certification

- (4) Where the Building Inspector considers that
- (a) the site conditions, or
 - (b) the size or complexity of
 - (i) the development, or
 - (ii) an aspect of the development

to which a building permit relates, warrants a certification by a professional Engineer or Architect that the plans submitted with the application for the permit, or specified aspects of those plans, comply with the Building Code and other applicable enactments respecting safety, the building inspector may require the owner to provide the certification at the cost of the owner.

Endorsement and Notice under Section 4

- (5) (a) The following Notice shall be given to the owner by endorsing it on a building permit that is issued in reliance upon a certification by a professional Engineer or Architect that the plans submitted in support of the application for the Permit comply with the British Columbia Building Code and other applicable enactments respecting safety of the

- (i) Where the District requires that Letters of Assurance be provided by a Registered Professional pursuant to the District of Fort St. James Building Bylaw and the Local Government Act I confirm that I have been advised in writing by the District that it relied exclusively on the Letter of Assurance of “Professional Design and Commitment for Field Review” prepared by _____ in reviewing the plans, drawings, specifications and supporting documents submitted with this application for a building permit.
 - (ii) I confirm that I have relied only on the said Registered Professional for the adequacy of plans, drawings, specifications and supporting documents submitted with this application.
- (6) Notwithstanding any other provisions of this Bylaw or the Building Code, whenever an owner wishes to construct a building designed or intended for industrial, mercantile or business and personal services occupancies of three (3) stories or less in building height having a building area not exceeding 600 m² or residential occupancies containing more than four (4) suites or dwelling units the owner shall provide to the District of Fort St. James certification by a registered professional that the plans for the proposed building, or structure comply with the Building Code and other enactments respecting safety.

PERMITS

5.

Issuing Permit

- (1) Where
 - (a) an application has been made;
 - (b) the proposed work set out in the application complies with the Building Code, this bylaw and all other applicable bylaws and enactments; and
 - (c) the applicant for a Permit has paid to the Municipality the fee or fees prescribed in Schedule "A" to this bylaw

the Building Inspector shall issue the Permit for which the application was made.

Permit Conditions

- (2) Every Permit is issued upon the following conditions:
 - (a) A permit is required whenever work regulated by this bylaw is to be undertaken.
 - (b) Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the District

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shall in any way relieve the Owner and/or his Agents from full and sole responsibility to perform the work in strict accordance with this bylaw, the current edition of the British Columbia Building Code and all other codes, standards and applicable enactments.

- (c) It shall be the full and sole responsibility of the Owner (and where the Owner is acting through an agent, the Agent) to carry out the work in respect of which the permit was issued in compliance with the current edition of the British Columbia Building Code and this bylaw and all other applicable codes and standards and enactments.
- (d) Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the District constitute in any way a representation, warranty, assurance, or statement that the current edition of the British Columbia Building Code, this bylaw or any other applicable codes, standards or enactments have been complied with.
- (e) No person shall rely upon any permit as establishing compliance with the bylaw or assume or conclude that the bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her agents are responsible for making such determinations.
- (f) that construction shall be started within six (6) months from the date of issuing the Permit;
- (g) that the work is not to be discontinued or suspended for a period of more than six (6) months;
- (h) that all Permits shall lapse in the event that either of the preceding two conditions is not met;
- (i) that a lapsed Permit shall not be renewed nor the fee refunded. If the work is not completed when a Permit lapses, a new Permit shall be applied for, for the work remaining;
- (j) that, at any time after the issuance of a Permit, but before the work under the Permit has commenced, the Permit holder may apply for cancellation of the Permit. Upon receipt of such application, the Building Inspector, if satisfied that the work has not commenced, shall cancel the Permit and shall refund to the Permit holder fifty (50%) percent of the fee paid by him in respect of the Permit;
- (k) that the registered owner of the land signs the following, which may be endorsed on the permit;

“I acknowledge that if I am granted a building permit pursuant to this application that I am responsible for compliance with the current edition of the British Columbia Building Code, this bylaw and any

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other applicable enactment, code regulation or standard relating to the work in respect of which the permit is issued, whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and/or construction services.

I acknowledge that neither the issuance of a permit under this bylaw, the acceptance nor review of plans, specifications, drawings or supporting documents, nor inspections made by or on behalf of the District constitute a representation, warranty, assurance or statement that the current edition of the British Columbia Building Code, the Building Bylaws of the District of Fort St. James or any other applicable enactment, code regulation or standard has been complied with.

I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a building permit by the District pursuant to this application and in respect of the execution of this acknowledgement.

Contents of Application for Permit

- (3) The application for a Permit shall
- (a) be made in the form prescribed by the Municipality;
 - (b) be signed by the owner;
 - (c) state the intended use or uses of the building;
 - (d) state the true value of the proposed work;
 - (e) include as exhibits, copies for detached dwelling units in duplicate, and in triplicate for all others, of the specifications and scale drawings of the building with respect to which work is to be carried out showing:
 - (i) the dimensions of the building including area of each floor;
 - (ii) the dimensions, area and proposed use of each room or floor area;
 - (iii) the dimensions of the parcel on which the building is, or is to be, situated;
 - (iv) the proposed siting of the new building and the siting, use, height and horizontal dimensions of all existing buildings on the parcel referred to in subclause (iii) on a plan with a minimum scale of 1 to 200;
 - (v) the technical information specified in other parts of this bylaw and the Building Code required to be included on the drawings related to those parts;

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- (vi) such other information as is necessary to illustrate all essential features of the design of the building;
 - (vii) the name, address and telephone number of the designer; and
- (f) contain any and all other information necessary to establish compliance with this bylaw, the Zoning Bylaw and any other applicable enactment.
- (g) Include the following acknowledgements by the permit applicant:
- (i) I acknowledge that if I am granted a building permit pursuant to this application that I am responsible for compliance with the current edition of the British Columbia Building Code, this bylaw and any other applicable enactment, code, regulation or standard relating to the work in respect of which the permit is issued, whether or not the said work is undertaken by me or by those whom I may retain or employ to provide design and/or construction services.
 - (ii) I acknowledge that neither the issuance of a permit under this bylaw, the acceptance nor review of plans, specifications, drawings or supporting documents, nor inspections made by or on behalf of the District constitute a representation, warranty, assurance or statement that the current edition of the British Columbia Building Code, the Building Bylaws of the District of Fort St. James or any other applicable enactment, code, regulation or standard has been complied with.
 - (iii) I understand that I should seek independent legal advice in respect of the responsibilities I am assuming upon the granting of a building permit by the City pursuant to this application and in respect of the execution of this acknowledgement.
- (4) When required by the Building Inspector, the application shall also be accompanied by:
- (a) details of the grades and elevations of the streets and public services, including sewer and drainage, abutting the parcel referred to in subsection 3(e)(iii) and showing access to the buildings, parking, driveways, or site drainage and finished grades all tied into the Municipality's integrated survey area;
 - (b) a plan that shows the location and size of every building drain and of every trap or inspection piece that is on a building drain;
 - (c) a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe. The plans and specifications shall be submitted in the form and quantities required by the Building Inspector and shall have on them complete design and calculation criteria so that the Building Inspector has this information available for examination,

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and shall bear the name, address and telephone number of the designer;

- (d) a graphic drawing of proposed plumbing work showing the size and location of the plumbing system and containing complete design and calculation criteria; and
- (e) a survey of the building site by a registered British Columbia Land Surveyor whenever one of the following conditions exists:
 - (i) there is doubt as to the location of the lot lines;
 - (ii) there are no existing legal survey pins within sixty (60) metres of the building site.

REVOCAION OF PERMIT

- 6. (1) The Building Inspector may revoke a Permit where there is a violation of
 - (a) a condition under which the Permit was issued; or
 - (b) a provision of the Building Code, this bylaw or other applicable bylaws or enactments.
- (2) The revocation shall be in writing and transmitted to the Permit holder by registered mail, or by personal service, and deemed served at the expiration of three days after the date of mailing if transmitted by registered mail.

PHASED CONSTRUCTION

- 7. (1) The Building Inspector may issue a Permit for the construction of a part of a building before the entire plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the bylaw.
- (2) The issuance of the Permit notwithstanding, the requirements of this bylaw and the Building Code apply to the remainder of the building, as if the Permit had not been issued.
- (3) The Building Inspector may issue an Occupancy Permit for part of a building provided that he is satisfied that the part of the building complies with all applicable bylaws, enactments and regulations, and that all health and safety requirements have been met.
- (4) Prior to the issuance of a partial Occupancy Permit, the owner shall pay the Municipality a fee equivalent to ten (10%) percent of the value of the remaining constructions, and undertakes to complete it within six (6) months of the issuance of the Occupancy Permit.
- (5) Upon the expiration of six (6) months after the issuance of an Occupancy Permit, if the remaining construction has been completed, the fee paid under

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subparagraph (b) shall be refunded to the owner without interest, and if construction has not been completed, the fee shall become the property of the Municipality.

TEMPORARY BUILDINGS

8. (1) Subject to compliance with other applicable bylaws, the Building Inspector may issue a Permit for the erection or placement of a temporary building if he is satisfied that the building is safe for the stated use and duration;
- (2) The word "Temporary", as used in this subsection, shall mean a period not exceeding twelve (12) months;
- (3) Applications for a Permit to construct a temporary building shall be made in writing to the Building Inspector accompanied by:
 - (a) plans showing the location of the building on the site and construction details of the building;
 - (b) a statement of the intended use and duration of the use; and
 - (b) a bond or certified cheque in the amount of ONE THOUSAND (\$1,000.00) DOLLARS which will guarantee that the building will be removed entirely and the site left in a safe and sanitary condition when the Permit has expired.

DEMOLITION PERMIT

9. (1) Before a Demolition Permit is issued the owner shall deliver to the Municipality the deposit described in Schedule "A" to secure payment for injury to, destruction, defacement or disturbance of Municipal property, including installations, sewer, drainage and all utilities, roads and accesses, caused by the work for which the Permit was issued or by a person doing the work. The Municipality may apply the deposit towards making good such injury, destruction, defacement or disturbance, and shall return any balance to the owner when an Occupancy Permit is issued or upon completion of all demolition work. Where, in the opinion of the Building Inspector, the nature of the work is such that it is unlikely to cause any injury or will have a value of \$2,500.00 or less, the Building Inspector may waive the requirements for a deposit.

GENERAL DUTIES OF THE OWNER BEFORE CONSTRUCTION

10. (1) Before construction commences, the owner shall
 - (a) determine that the building site is safe and will not be affected by flooding water caused by surface run-off or otherwise, or by land slip or other hazards; and
 - (b) incorporate into the design and plans submitted for a Permit, the climatic data in Section 14.

- (c) obtain from the Municipality, or other authority having jurisdiction where applicable, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of the work;
 - (d) when required by the Building Inspector, give at least 48 hours notice to the Building Inspector of the intention to start work on the construction site; and
 - (e) obtain elevation and construction requirements relative to Provincial Flood Plain Restrictions from the Ministry of Environment;
- (2) Neither the granting of a Permit nor the acceptance of plans and specifications, nor inspections made by or on behalf of the Municipality, shall in any way relieve the owner from full responsibility to perform the work in strict accordance with this bylaw, the Building Code and all other applicable enactments.

RESPONSIBILITY OF OWNER DURING CONSTRUCTION

11. The Owner shall, during construction
- (1) ensure that no work is done on any part of the building or structure beyond that point indicated in each successive inspection report without first obtaining the written approval of the Building Inspector, and
 - (2) permit the Building Inspector to enter his building or premises at any reasonable time for the purpose of inspection;
 - (3) place or maintain a building number authorized by the municipality.
 - (4) during the progress of work, request the Building Inspector to make or cause to be made the following inspections, by giving notice to the Building Inspector a minimum of one working day prior to the inspection being required,
 - (a) after the forms for footings and foundations are complete, but prior to placing of any concrete therein;
 - (b) after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to backfilling against foundation;
 - (c) when framing and sheathing of the building are complete, including fire-stopping, bracing, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;

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- (d) before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing system is covered before it is inspected and approved it shall be uncovered if the Building Inspector so directs, and when considered necessary, underground building drains, branches, storm drains, and sewers shall be re-tested after the completion of all backfilling and grading by heavy equipment.
- (e) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building; and
- (5) where it is deemed necessary by the Building Inspector, provide specialized professional information at the owner's cost, and the owner shall not proceed with any further work which would prevent a thorough inspection until the inspection has been done and approved.
- (6) ensure that the building or structure is built in compliance with the Building Code and this bylaw;
- (7) prior to the completion of any building, or part of it, obtain from the Building Inspector written permission to occupy part of it if partial occupancy is desired;
- (8) prior to the occupancy of any building, or part of it, after completion of construction of the building, or part of it, or prior to any change in class of occupancy of any building, or part of it, obtain from the Building Inspector an Occupancy Permit, which may be withheld by the Building Inspector until the building or part of it complies with the requirements of this bylaw, the Building Code and all other health and safety requirements of any Municipal bylaw or other enactment;
- (9) obtain from the Building Inspector written permission prior to resuming construction which has been suspended on any building;
- (10) where tests of any materials are required by the Building Inspector to ensure conformity with the requirements of this bylaw, transmit to the Building Inspector records of the test results;
- (11) in all cases where it is required to conduct the waste from plumbing fixtures or trade waste to a sanitary sewer, make certain, by inquiring from the Building Inspector, that the sanitary sewer is at sufficient depth and capacity to receive the discharge; and also to arrange the plumbing to suit the location of the connection provided for the parcel by the Municipality;
- (12) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the Building Inspector may require to show that the proposed sewers will be laid at such depth, and in such a position as to connect the property with the building or storm sewer extension;
- (13) in cases where the existing building or buildings are demolished, destroyed, or

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otherwise removed from property connected to the sanitary sewerage system or to the storm sewer system, make arrangements to the satisfaction of the Public Works Superintendent or else the Public Works Superintendent shall cap off the sanitary sewer or storm sewer connection at the property line and the owner shall be liable for the fee provided for in Schedule "A";

- (14) in cases where the existing building or buildings are demolished, destroyed or otherwise removed from property or where oil tanks, septic fields or other structures are removed from the ground, fill in the excavation, hole or basement resulting from the demolition, destruction with clean fill to restore the surface of the ground to the level of natural grade;
- (15) ensure that every connection to the Municipal sewer system shall be fitted with a backwater valve, being a device designed to prevent the reverse flow of sewerage in a service connection, except
 - (a) where the Municipality has determined that, due to the elevation of a service connection, an actual or potential danger of a reverse sewage flow does not exist, and the Municipality exempts an owner from the requirement to install a backwater valve;
- (16) obtain, where applicable, a highway or street access permit to the real property; and
- (17) keep
 - (a) posted in a conspicuous place on the property in respect of which the Permit was issued a copy of the Permit or a poster or placard showing the material facts in the Permit in lieu of the permit; and
 - (b) a copy of the Permit drawings and specifications on the property in respect of which the Permit was issued.
- (18) within fifteen (15) days after completion or occupancy of a building, place or cause to be placed on or over the entrance to the building or premises the number (address) as assigned by the Municipality;

TEMPORARY OCCUPANCY HIGHWAYS

12. (1) No person shall occupy a highway or portion of it in connection with the construction or maintenance of building without first obtaining a Permit for that purpose from the Building Inspector.
- (2) The applicant for such a Permit shall agree in writing to indemnify and save harmless the Municipality from and against all claims, liability, costs and expenses arising out of granting a highway occupancy and shall post with the Municipality an insurance policy to ensure that agreement.
- (3) Where a permit is issued pursuant to this Section, no person shall occupy or encumber any portion of the highway beyond one-half of the width abutting

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the sidewalk and, in the event that no sidewalk exists, the encroachment shall not exceed three (3) metres provided, however, a wider encroachment will be permitted if a structure is built, according to plans approved by the Building Inspector, to protect any person using the highway.

FENCES AND WALKWAYS

13. (1) If, in the opinion of the Building Inspector, a fence or covered walkway is necessary for the protection and safety of the public during the construction or maintenance of a building, it shall be erected in accordance with this Section, at the cost of the owner.
- (2) In a commercial zone, a closed board fence is required not less than 1.83 metres in height and at a distance beyond the street line directed by the Building Inspector.
- (3) A covered walkway shall be a minimum of 1.22 metres in width and shall be equipped with red warning lights to warn of its existence to approaching pedestrians or traffic.
- (4) No fence or covered walkway shall be erected in such a way as to obstruct direct access to any fire hydrants, catch basins, fire alarm boxes, letter boxes or to obstruct light from street lamps.

CLIMATIC DATA

14. Climatic data for the design of buildings in the Municipality is:

		Apply to Building Code Requirement
(1)	Design Temperature	6.2.1.6
	January 2 1/2%	-31.6 C
	January 1%	-36.4 C
	July 2 1/2%	
	Dry	27.6 C
	Wet	17.2 C
	Degree - Days below 18C	5719
(2)	Maximum Rainfall	4.1.7.3(1)
	15 minutes	14.0 mm
	one day	55.9 mm
	Maximum Snowload on the Ground	4.1.7.1 3.7 kPa
	Annual total precipitation	494 mm

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- (3) Hourly Wind Pressure 4.1.8.1(4)
 - probability 1/10 .25 kPa
 - probability 1/30 .30 kPa
 - probability 1/100 .35 kPa

- (4) Seismic Data 4.1.9.1(4)
 - Za 1
 - Zv 2

 - Zonal velocity ratio, v.10

ESSENTIAL SERVICES

- 15. No permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided for:
 - (1) **Highway Access**

A highway within a dedicated road allowance of sufficient strength, grade and width is available to provide ready access to the property by fire and emergency vehicles at all times.

 - (2) **Watermain**

A public water service or other source of supply of water approved by the Medical Health Officer is available for the building or structure unless water is not required for the particular use of a building or structure.

 - (3) **Sewer**

A public sewer or other approved method of sewage disposal approved by the Medical Health Officer has been installed to service the building or structure, unless sewage disposal is not required for the particular use of a building or structure.

 - (4) **Storm Drain**

An approved method of storm drainage disposal has been installed to service the building or structure.

 - (5) **Access to Driveway**

A driveway of sufficient strength, grade and width for access from the highway to all buildings by fire and emergency vehicles.

BUILDING MOVES

- 16. (1) No person shall move or cause to be moved any building into the Municipality,

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or from one parcel to another in the Municipality without first obtaining a Permit to carry out such move and to site the building on the parcel to which it is to be moved.

- (2) The following conditions apply to the issuance of a Building Moving Permit under this Section if the building to be moved is residential;
 - (a) the building shall either meet the requirements of the Building Code prior to its move or be rehabilitated to Building Code requirements within six (6) months from the issuance of the Permit to move.
- (3) The following conditions apply to all buildings in respect of which an application to move has been made:
 - (a) the floor area of the building to be moved shall be equal to or greater than the minimum floor area requirements for the parcel to which it is to be moved and, when located on that parcel, the building shall comply with all clearances and siting requirements applicable to that parcel; and
 - (b) the application for a Permit to move shall be accompanied by detailed plans and specifications of the proposed relocation and rehabilitation of the building and by an irrevocable letter of credit or a certified cheque in the amount of TWO THOUSAND (\$2,000.00) DOLLARS payable to the Municipality.

The letter of credit may be drawn upon by the Municipality in an amount sufficient to complete the work specified in the plans submitted if the work is not completed in its entirety within twelve (12) months from the date of issuance of the Permit to move, and the deposit or the balance thereof (if any) remaining in the hands of the Municipality shall be returned to the depositor after an Occupancy Permit in respect of the work has been issued.

- (4) No person shall move any building into the Municipality for the purpose of erecting the same on any land therein, nor move any building from one parcel of land to another within the Municipality, having an assessed value of less than 90% of the average assessed value of all improvements within a radius of one hundred fifty (150) metres of the parcel upon which it is proposed by that person to locate the building.

POOLS

17. (1) An application for a Permit for the construction of a pool shall be accompanied by a Plan showing the location of the proposed pool, and all water supply piping, waste piping and appurtenances. The outfall for the disposal of waste water shall be approved before the Permit is issued.
- (2) The following conditions apply to pools:
- (a) a swimming pool shall be enclosed with a fence not less than 1.25 metres in height, and constructed in such a manner that it does not provide or afford footholds or grips on the outside for children to climb.
 - (b) any gate in the fence shall be self latching, and the latch shall be on the inside of the enclosure and shall be maintained in working order at all times.
 - (c) the location of a swimming pool shall meet the requirements and provisions of the Zoning Bylaw of the District of Fort St. James with respect to front, side and rear lot line setbacks.
 - (d) for the purposes of this Section "Swimming Pool" shall include any constructed pool used or intended to be used for swimming, bathing, or wading, which is over sixty (60) centimetres in depth and has a surface area exceeding fourteen (14) square metres.

RETAINING WALLS

18. A retaining wall shall be designed to resist the pressure of the retained material, including both dead and live load surcharges to which it may be subjected, to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift. Unless a drainage system is provided which will effectively drain the backfill under all conditions, the wall shall be designed to resist a hydrostatic pressure due to a head of water equal to the height of the backfill.

PENALTIES

19. (1) A person who:
- (a) violates a provision of the Building Code or of this Bylaw;
 - (b) causes, suffers or permits an act or thing to be done in contravention or in violation of the Building Code or this bylaw;
 - (c) neglects or refrains from doing anything required to be done by the Building Code or this bylaw;
 - (d) carries out or suffers, causes or permits to be carried out any construction in a manner prohibited by or contrary to the Building

BUILDING BYLAW NO. 731, 2000

Code or this bylaw; or

- (e) fails to comply with an order, direction or notice given under the Building Code or this bylaw;

commits an offence and is liable on conviction to a fine and penalty not exceeding TWO THOUSAND (\$2,000.00) DOLLARS.

- (2) For each day that a violation of the provisions of this bylaw is permitted to exist, it shall constitute a separate offence.

[BYLAW NO. 851, 2007]

- (3) Any person who violates any of the provisions of this bylaw shall, if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "B" attached to and forming part of this bylaw.

REPEAL BYLAWS

20. Building Bylaw No. 575 and all subsequent amendment bylaws are hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME THIS 27th DAY OF September, 2000.

ADOPTED THIS 11th DAY OF October, 2000.

Jim Togyi, Mayor

Dan Zabinsky, Administrator

Certified a true copy of the "District of Fort St. James Building Bylaw No. 731, 2000".

Dan Zabinsky, Administrator

DISTRICT OF FORT ST. JAMES

BYLAW NO. 731, 2000

SCHEDULE "A"

FEES

1. (1) **Building Permit Fees**

The fees payable for a permit for the construction, addition, extension, alteration and repair of any building, or any other work requiring a permit, and not specifically listed here shall be as follows:

(1) New construction of a single family dwelling, including a detached garage which is less than 50% of the size of the dwelling **and** constructed at the same time as the dwelling.

\$ 600.00

(2) New Residential Duplex Construction

\$ 750.00

New Residential Triplex Construction

\$ 900.00

New Residential Fourplex Construction

\$1,050.00

(3) Alterations, renovations and repairs to all residential dwellings, and the construction of any accessory buildings.

1% of total construction value

Minimum Fee: **\$ 25.00**

(4) New Commercial or Industrial construction and/or where the Building Inspector requires certification by a registered professional.

up to 100 m² **\$ 600.00**

from 100 m² to 250 m² **\$1,000.00**

from 250 m² to 500 m² **\$1,500.00**

over 500 m² **\$2,000.00**

(5) Alterations, renovations and repairs to all commercial or industrial buildings and the construction of any accessory buildings.

1% of total construction value

Minimum Fee: **\$ 25.00**

(6) Reinspection Fee - Where it has been determined by the Building Inspector that due to non-compliance with the provisions of this bylaw, or due to unsatisfactory workmanship, more than two inspections are deemed necessary. For each type of inspection, after the second inspection, an additional fee of

\$50.00 will be levied.

(2) **Related Building Permit Fees**

Demolition Permit	\$ 25.00
Moving Permit	\$ 25.00
Temporary Building Permit	\$ 25.00
Single or Double wide Mobile Home Placement	\$ 25.00*
Single or Double wide Mobile Home Placement in Mobile Home Park	\$ 25.00*
Building Permit Renewal (Minimum)	\$ 25.00

*Plus 1% of total construction values of new work on-site such as: foundations, basements, additions and plumbing. Where the fee payable is determined by the value of the proposed work, that value shall be assessed by the Municipality.

2. **OTHER FEES**

(1) **Street Occupancy Fees**

The Fee or Fees payable for the issuance of a permit for the occupancy of any street or portion thereof shall be as follows:

\$0.25 per day for every ten (10) square metres or fraction thereof or per lineal metre or fraction thereof, whichever is the greater, provided, however, the minimum fee for any such permit shall be \$25.00.

(2) **Permit Required by Section 9(1)** \$ 500.00

(3) **Capping Off Fee**

Sanitary Sewer	\$ 25.00
Storm Sewer	\$ 25.00

[BYLAW NO. 851, 2007]

SCHEDULE "B" - FINES

District of Fort St. James Building Bylaw No. 731, 2000

Column 1 OFFENCE	Column 2 SECTION	Column 3 FINE
Construction without permit	3(1)	\$100.00
Occupy building without occupancy permit (new construction)	3(2)	\$100.00
Occupy building without occupancy permit (change in class)	3(3)	\$100.00
Tamper with notice	3(4)	\$100.00
Work at variance with plans	3(5)	\$100.00
Disobey stop work order	3(7)	\$500.00
Work contrary to building code or bylaw	3(8)	\$100.00
Demolish without permit	9(1)	\$200.00
Move building without permit	16(1)	\$500.00