

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 37

A BY-LAW FOR THE ADMINISTRATION AND ENFORCEMENT OF THE BUILDING CODE

Whereas Section 719A of the Municipal Act and the regulations thereunder provide that the National Building Code of Canada, Parts 1, 3, 4, 5, 6, 8 and 9, and the British Columbia Plumbing Code apply to the Village of Port Clements.

Title 1 This By-law may be cited as the Building By-law No. 37, 1976.

Definitions 2 In this by-law,

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

"authority having jurisdiction" means the regional district board or the municipal council and the agent thereof that have authority over the subject that is regulated.

"building code" means Parts 1, 3, 4, 5, 6, 8 and 9 of the National Building Code of Canada and the British Columbia Plumbing Code and the Building Regulations of British Columbia collectively.

Prohibition 3(1) No person shall commence or continue any work related to building unless he has a valid and subsisting permit issued by the authority having jurisdiction.

(2) No person shall occupy or use any building or part thereof contrary to the terms of any permit, notice or certificate given by the authority having jurisdiction.

(3) No person shall, unless authorized by the authority having jurisdiction, reverse, alter, deface, cover, remove or in any way tamper with the notice or certificate posted upon or affixed to any building pursuant to any provision of this by-law.

(4) No person shall do any work that is at variance with the description, plans and specifications for the building, structure, work or thing for which a permit has been issued, unless such change has been approved by the authority having jurisdiction.

(5) No person shall interfere with or obstruct the entry of the authority having jurisdiction acting in the conduct of administration and enforcement of this by-law.

Duties 4 The authority having jurisdiction shall:

(a) administer this by-law;

(b) keep records of any application received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this by-law;

(c) establish whether any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of the building code.

Powers 5 The authority having jurisdiction:

(a) (i) may enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law;

(ii) where any dwelling, apartment or guest room is occupied, shall obtain the consent of the occupant or provide written notice twenty-four hours in advance of inspection;

(iii) shall ensure that employees or persons charged with administration and enforcement of this by-law carry proper credentials.

(b) may revoke or refuse to issue a permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory, in its opinion;

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

(d) may order the cessation of work that is proceeding in contravention of this by-law.

Permits 6 (1) Where

(a) an application has been made, and

(b) the proposed work set out in the application conforms with this by-law and all other applicable by-laws;

(c) the applicant for a permit has paid the fee prescribed and as set out in Appendix "A" attached hereto,

the authority having jurisdiction shall issue the permit for which the application is made.

(2) Every permit is issued upon the condition that:

(a) the work is to be started within six months from the date of issuing the permit;

(b) the work is not to be discontinued or suspended for a period of more than one year;

- (c) the permit shall lapse in the event that either conditions above is not met;
- (d) an additional fee shall be paid if the permit is renewed.

(3) The application shall-

- (a) be made in the form prescribed by the authority having jurisdiction;
- (b) be signed by the owner or his agent;
- (c) state the intended use or uses of the building;
- (d) include as exhibits copies in duplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out showing-
  - (i) the dimensions of the building;
  - (ii) the proposed use of each room or floor area;
  - (iii) the dimensions of the land on which the building is, or is to be, situated;
  - (iv) the grades and elevations of the streets and sewers abutting the land referred to in clause (iii), when required by the authority having jurisdiction;
  - (v) the position, height and horizontal dimensions of all buildings on the land referred to in clause (iii);
  - (vi) a survey of the building site by a registered provincial surveyor, when required by the authority having jurisdiction;
  - (vii) the technical information specified in other parts of this by-law required to be included on the drawings relating to those parts;
  - (viii) such other information as is necessary to illustrate all essential features of the design of the building;
  - (ix) when required by the authority having jurisdiction, the application shall also be accompanied by
    - (a) 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, and

- (b) 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 authority having jurisdiction and shall have thereon complete design and calculation criteria so that the authority having jurisdiction shall have this information available for examination and bear the name and address of the designer; and
- (e) contain any and all other information necessary to establish compliance with this by-law.
- (4) Notwithstanding any other provisions of this by-law, whenever in the opinion of the authority having jurisdiction the proposed work required specialized technical knowledge, it may be required as a condition of the issuance of any permit that all drawings, specifications and plot plans, or any part thereof, be prepared and signed by and the construction carried out under the supervision of an architect or professional engineer.
- (5) the authority having jurisdiction may revoke a permit where there is a violation of -
- (a) any condition under which the permit was issued, or
- (b) any provision of the Building Code.
- This revocation shall be in writing and transmitted to the permit holder by registered mail.
- (6) The authority having jurisdiction may issue a permit for the construction of a phase 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 by-law. The issuance of the permit notwithstanding, the requirements of this by-law apply to the remainder of the building, as if the permit had not been issued.
- (7) 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.
- (8) Subject to any other by-law, the authority having jurisdiction may issue a permit for the erection or placement of a temporary building, structure or shelter, if it is satisfied that the building, structure or shelter is safe for the stated use and duration.

(9) Where a building permit has been issued for a single family residence, the owner may apply for a permit to occupy the building prior to completion of construction, which permit may be withheld until the building or part thereof complies with the health and safety requirements of the by-laws of the municipality or of any Statute.

Responsibility 7 (1)  
of the Owner

Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made by the authority having jurisdiction shall in any way relieve the owner of such building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this by-law or the Building Code.

(2) Any owner of property for which a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs as a result of the work covered by the permit.

Duties of the  
Owner 8

Every owner of a property or his agent shall:

(a) obtain where applicable from the authority having jurisdiction 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 such work;

(b) in all cases where it is proposed to conduct the waste from plumbing fixtures, trade waste or surface or roof water to a public sewer, make certain, by inquiring from the authority having jurisdiction, such public sewer is at a sufficient depth and of a capacity to receive such discharge; and also to arrange the plumbing to suit the location of the connection provided for the lot by the authority having jurisdiction;

(c) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the City of Municipal Engineer 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;

(d) give at least 72 hours notice to the authority having jurisdiction of the intention to start work on the building site;

(e) give at least 72 hours notice to the authority having jurisdiction and obtain his inspection and approval of the work;

(i) after the forms for footings and foundations are complete, but prior to placing of any concrete therein;

(ii) after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to backfilling against foundation;

(iii) 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;

(iv) 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 authority having jurisdiction 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;

(v) 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;

(vi) Every owner shall obtain an occupancy permit from the authority having jurisdiction prior to any-

(a) occupancy of a building or part thereof after construction, partial demolition or alteration of that building, or

(b) change in the occupancy of any building or part thereof.

Documents on  
the site

9 The owner to whom a permit is issued shall, during construction, keep -

(a) posted in a conspicuous place on the property in respect of which the permit is issued the building permit or a poster or placard in lieu thereof, and

(b) a copy of the approved drawings and specifications on the property in respect of which the permit was issued.

Equivalents

10 The provisions of this by-law are not intended to limit the appropriate use of materials, equipment or methods of construction not specifically authorized herein. An owner desirous of providing an equivalent material, equipment or method of construction not specifically authorized by this by-law

shall submit to the authority having jurisdiction sufficient evidence to satisfy the authority having jurisdiction that the proposed equivalent will provide the level of performance required by this by-law.

Climatic Data

11 Climatic data for the design of building in the Municipality of the Village of Port Clements shall be:

CLIMATIC DATA

January 2½ per cent Design Temperature (F)	18
January 1 per cent Design Temperature (F)	15
July 2½ per cent Design Drybulb Temperature (F)	66
Annual Total Degree - days below 65 F.	6839
Maximum One-day Rainfall (in)	3.0
Maximum Fifteen-minute Rainfall (in.)	0.5
Annual Total Percipitation (in.)	56
Maximum Snow Load on the Ground (lb. per sq. ft.)	30
Earthquake R-factor	4

Penalty

12 (1) Any person who violates the provisions of this by-law or the Building Code is liable on summary conviction to a penalty not exceeding One Hundred Dollars (\$100.00) and also the costs of the prosecution.

(2) Each day during which such violation is continued shall be deemed to constitute a new and separate violation, except where the court otherwise orders.

(3) In the event of any violation of the provisions of this By-law or Building Code, the Authority or its Agent shall forthwith issue a "Certificate of Violation" in the form prescribed by the Authority or its Agent and mail by pre-paid registered post, a signed copy thereof using the postal address set forth in the Building Permit or the last known postal address, to the person or persons who obtained said Building Permit and a affidavit of the said Authority or its Agent before a commissioner or other person authorized to take affidavits setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such Certificate of Violation was served personally on a named day on the person or persons to whom it was directed and that he identifies as an exhibit attached to the affidavit a true copy of the Certificate of Violation

shall be received as prima facie evidence of the personal service of the Certificate of Violation.

- (4) Where the Authority or its Agent has issued a Certificate of Violation, such Certificate shall be received in any Court as prima facie evidence of such Violation and the onus is on the accused to prove such Violation did not occur.

- (5) Where any violation against this By-law is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the Violation is committed shall prima facie be deemed to be a party to the Violation so committed, and is personally liable to the penalties prescribed for the violation as a principal offender, but nothing in this section shall relieve the corporation or the person who actually committed the violation from liability therefor.

- (6) No conviction or order made in any matter arising under this By-law, either originally or on appeal, shall be quashed for want of form; and no information, summons, conviction, order or other proceeding shall be held to be bad or quashed on account of its charging two or more violations, or charging a violation disjunctively, or in the alternative.

- (7) In any prosecution, action or proceeding under this By-law in which it is alleged that a corporation is or has been guilty of a violation against this By-law, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.

- (8) Where any corporation is convicted of any violation against or under this By-law, and the conviction, after adjudging paycent of such penalty shall be levied by distress and sale of the goods and chattels of the corporation.

- (9) In any such case, and in addition to the other remedies provided hereby, a copy of the conviction or order certifie to by any Judge, or by the officer in whose custody the same is by law require to be kept may be filed in the office of the Registrar of any Supreme or County Court, and the conviction or order shall thereupon become a judgement of that Court and all proceeding may be thereupon taken and had as on any other judgement of that Court.

- (10) Nothing in this section contained shall be construed as in any way affecting, limiting, or restricting any proceedings which otherwise may be taken or had for the recovery of fines or penalties.



13 This by-law may be cited as By-law NO. 37, Village of Port Clements, "A By-law for the Administration and Enforcement of the Building Code."

READ A FIRST TIME THIS 12th day of July, 1976.

READ A SECOND TIME THIS 12th day of July, 1976.

READ A THIRD TIME THIS 12th day of July, 1976.

RECONSIDERED AND ADOPTED THIS 23 day of July, 1979.

MAYOR

*[Handwritten signature]*

CLERK

*[Handwritten signature]*

Certified a true copy of Village of Port Clements A By-law for the Administration and Enforcement of the Building Code By-law No. 37.

CLERK

*[Handwritten signature]*

A true copy of By-Law No. 37 registered in the office of the Inspector of Municipalities this 12th day of September 1979.  
*[Handwritten signature]*  
Deputy Inspector of Municipalities

VILLAGE OF PORT CLEMENTS

APPLICATION FOR BUILDING PERMIT

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTRACTOR \_\_\_\_\_

ADDRESS \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY \_\_\_\_\_

INTENDED USE OF BUILDING \_\_\_\_\_

Plans and/or drawings are required in triplicate as follows:

- a. Plot plan to scale which indicates
  - Size of lot
  - Location of proposed building
  - Position of proposed septic tank and layout of disposal field (if applicable)
  - Approximate location of water connection on property line
  - Approximate location of sanitary sewer connection on property line
- b. Construction drawings to scale which provide the following minimum information:
  - Foundation Drawing: Indicating size of footings, type and thickness of foundation walls, estimated depth of footings below grade.
  - Floor Plan/s: Of all usable floor area (including finished areas in basement)
  - Front Elevation: With notes to indicate type of wall construction, exterior finish, type of roofing

TYPE OF HEATING \_\_\_\_\_

CONSTRUCTION OF CHIMNEYS \_\_\_\_\_

CERTIFICATION

I/we, the undersigned, hereby agree to abide by the requirements of the Village of Port Clements Zoning By-law No. 41 and Building Code By-law No.37, and to comply with the construction standards as set out in the National Building Code of Canada and the British Columbia Plumbing Code.

Permit fee of \$ \_\_\_\_\_  
tendered herewith. \_\_\_\_\_  
Owner/s Agent of Contractor

Application Approved: Subject to the following (changes) (conditions)

Date \_\_\_\_\_ Building Inspector

Permit No. \_\_\_\_\_ issued and permit fee of \$ \_\_\_\_\_ collected.

\_\_\_\_\_  
Municipal Treasurer

VILLAGE OF PORT CLEMENTS

APPLICATION FOR PERMIT TO MOVE A BUILDING

1. Owner \_\_\_\_\_  
Address \_\_\_\_\_
2. Contractor \_\_\_\_\_  
Address \_\_\_\_\_
3. Description of Building (size, type of construction) \_\_\_\_\_  
\_\_\_\_\_
4. Previous of Present Use \_\_\_\_\_
5. Intended Use at Proposed Location \_\_\_\_\_
6. Legal Description of Present Location \_\_\_\_\_
7. Legal Description of Proposed Location \_\_\_\_\_  
Proposed Date and Route to be followed \_\_\_\_\_
9. Permit Fee \$5.00

CERTIFICATION

I/We the undersigned, hereby agree to abide by the requirements of the Village of Port Clements Zoning and Building By-law and I/we understand the granting of this permit does not negate the requirement for obtaining permits from Department of Motor Vehicles, Police or any other department or agency having jurisdiction over the carrying of heavy or wide loads on public thoroughfares.

I/We the undersigned, hereby agree to notify the Village of Port Clements Fire Department of the actual time the building will be moved onto a street or public thoroughfare and the streets or area where traffic may be restricted or blocked.

Date \_\_\_\_\_ Owner/s, Agent or Contractor \_\_\_\_\_

Application Approved: Subject to following conditions:

Date \_\_\_\_\_ Building Inspector \_\_\_\_\_  
Permit No. \_\_\_\_\_ issued and fee of \$ \_\_\_\_\_ collected.

\_\_\_\_\_  
Municipal Treasurer

VILLAGE OF PORT CLEMENTS

APPLICATION FOR BUILDING DEMOLITION PERMIT

1. Owner \_\_\_\_\_  
Address \_\_\_\_\_
2. Contractor \_\_\_\_\_  
Address \_\_\_\_\_
3. Legal Description of Property \_\_\_\_\_
4. Description of Building (size, Type of construction) \_\_\_\_\_  
\_\_\_\_\_
5. Intended Method of Demolition (Bulldozing, Wrecking crane, Manual-  
Piece by piece) \_\_\_\_\_
6. Proposed Commencement Date \_\_\_\_\_
7. Permit Fee \$5.00

CERTIFICATION

I/We the undersigned, hereby agree to take all reasonable precautions to avoid damage to adjoining property and/or injury to any person or persons in the area and to ensure that no debris or parts of the building fall upon or are deposited upon any street, roadway, lane, alley or sidewalk during demolition of the above described building.

DATE

OWNER/S AGENT OR CONTRACTOR

Application Approved: Subject to following conditions:

DATE

BUILDING INSPECTOR

Permit No. \_\_\_\_\_ issued and fee of \$ \_\_\_\_\_ collected

MUNICIPAL TREASURER

VILLAGE OF PORT CLEMENTS

APPLICATION TO INSTALL A MOBILE HOME ON A PRIVATE  
LOT OR PARCEL OF LAND WHICH IS NOT A TRAILOR COURT

1. Applicant's Name \_\_\_\_\_  
Address \_\_\_\_\_
2. Installation Contractor \_\_\_\_\_  
Address \_\_\_\_\_
3. Building Manufacturer \_\_\_\_\_  
Size of Building \_\_\_\_\_  
Model, Series, Type \_\_\_\_\_  
Approvals, Standards \_\_\_\_\_
4. Intended use of Building \_\_\_\_\_
5. Property Identification of Proposed Location \_\_\_\_\_
6. Type of Heating \_\_\_\_\_
7. The following, in triplicate must be submitted with application:
  - a. Scale drawings of site plan, showing proposed building location on lot, existing buildings, water and sewer locations.
  - b. Detailed Foundation drawings, to scale, showing footings, anchoring and support details.
  - c. Drawing of skirting, showing supports and sheathing material.

CERTIFICATION

I/we the undersigned, hereby agree to abide by the requirements of the Village of Port Clements Zoning By-law No. 41 and Building Code By-law No. 37 and to comply with the construction standards as set put in the British Columbia Building Code and British Columbia Plumbing Code.

DATE \_\_\_\_\_

OWNER, AGENT OR CONTRACTOR

APPLICATION APPROVED/NOT APPROVED

Remarks, required changes or conditions-

DATE \_\_\_\_\_

BUILDING INSPECTOR

Permit No. \_\_\_\_\_ issued and permit fee of \$ \_\_\_\_\_ collected.

MUNICIPAL TREASURER

SCHEDULE OF BUILDING PERMIT FEES

1. New Buildings
    - a. Residential
      - (1) Single and multi-family dwellings

Total useable floor space up to 1000 sq. ft.	\$50.00
Total useable floor space over 1000 sq.ft.	3.00
for each additional 100 sq. ft.	<del>30.00</del>
      - (2) Factory built units

Single wide mobile unit	25.00
Double wide unit	40.00
Modular units - first unit	40.00
- each additional unit	15.00
      - (3) Building accessory to residential unit

Total useable floor space up to 1000 sq. ft.	25.00
Total useable floor space over 1000 sq. ft.	2.00
    - b. Commercial Buildings and buildings not specifically mentioned in paragraph 1 of this Schedule

Total useable floor space up to 1000 sq. ft.	75.00
Total useable floor space over 1000 sq. ft.	2.50
  - a. Factory built units

Single wide mobile unit	25.00
Double wide unit	40.00
Modular units - first unit	40.00
- each additional unit	15.00
  - b. Building accessory to commercial units

Total useable floor space up to 1000 sq. ft.	25.00
Total useable floor space over 1000 sq. ft.	1.50
3. Additions

To all units listed in paragraph 1 and 2 of this Schedule.	10.00
Total useable floor space up to 100 sq. ft.	3.00
Total useable floor space over 100 sq. ft.	3.00
4. Renovations and repairs

Value up to \$2,000.00	15.00
Value over \$2,000.00	1.00
for each additional value	
5. Renewal fee

For permits previously issued	25.00
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6. Moving fees

For all units	5.00
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7. Demolition fee

For all units	5.00
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VILLAGE OF POINT CLEMENTS

APPLICATION FOR BUILDING DEMOLITION PERMIT

Owner \_\_\_\_\_

Address \_\_\_\_\_

2. Contractor \_\_\_\_\_

Address \_\_\_\_\_

3. Legal Description of Property \_\_\_\_\_

4. Description of Building (size, type of construction) \_\_\_\_\_

5. Intended Method of Demolition (Bulldozing, Wrecking crane, Manual-

Piece by piece) \_\_\_\_\_

Proposed Commencement Date \_\_\_\_\_

7. Permit Fee \$5.00

CERTIFICATION

I/We the undersigned, hereby agree to take all reasonable precautions to avoid damage to adjoining property and/or injury to any person or persons in the area and to ensure that no debris or parts of the building fall upon or are deposited upon any street, roadway, lane, alley or sidewalk during demolition of the above described building.

DATE \_\_\_\_\_

OWNER/S AGENT OR CONTRACTOR

Application Approved: Subject to following conditions:

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DATE \_\_\_\_\_

BUILDING INSPECTOR

Permit No. \_\_\_\_\_ issued and fee of \$ \_\_\_\_\_ collected

MUNICIPAL TREASURER