

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 384

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A Bylaw for the Administration and Enforcement of the Building Code.

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WHEREAS Division (5) Building Regulations of Part 21 and Section 818 of the Municipal Act empower the Regional Board, subject to the Health Act and the Fire Services Act and their regulations, to by Bylaw provide regulations for the health, safety and protection of persons and property;

AND WHEREAS, pursuant to Section 740 of the Municipal Act, the Minister of Municipal Affairs has established by B.C. Regulation 192/87, as amended, the "Building Regulations of British Columbia";

NOW THEREFORE the Board of the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the "Regional District of Central Okanagan Building Bylaw No. 384, 1989".
2. The Regional District of Central Okanagan Building Bylaw No. 65, 1973 and all amending bylaws thereto are hereby repealed.
3. In this bylaw, in addition to the definitions of words and phrases defined in the "Building Regulations of British Columbia", the following definitions shall apply.

"Agent" shall mean a person, firm or corporation representing the owner and includes hired tradesmen or contractors.

"Building Code" shall mean any regulation made by the Minister of Municipal Affairs under Section 740 of the Municipal Act and includes the British Columbia Building Code and Plumbing Code.

"Completion certificate" shall mean a certificate or inspection slip showing that the work, as authorized by the permit, is complete and ready for use and that the Regional District is not aware of any substantive defects or deficiencies.

"Chief Building Inspector" shall be the person authorized by the Board of the Regional District of Central Okanagan to administer this Bylaw and includes Inspectors appointed from time to time for the administration of this Bylaw.

"Sign Structure" shall mean a free standing structure used or intended to be used to support or hold a sign having a face area greater than 1.5 square meters or a height in excess of 2 meters above the adjacent ground.

"Retaining Wall" shall mean any structure other than a building which exceeds 1.5 meters in height from the ground level on one side to the ground level on the opposite side of the structure and which is intended to hold the ground in place against the forces of gravity.

"Swimming Pool" shall mean a structure capable of being filled with water, used or intended to be used for swimming, bathing or wading, having a surface area exceeding 14 square meters (150 square feet) or a depth of more than 600 mm (2 feet).

Application of the Building Bylaw

- 4.1 Subject to the Municipal Act, the Building Code and this Bylaw apply to:
- a) the design, construction and occupancy of new buildings.
  - b) the alteration, reconstruction, demolition, relocation and uses of existing buildings.
  - c) the installation, alteration or repair of plumbing.
  - d) those parts of a building affected by the change when the use of a building is changed.
  - e) foundations for and the setting up of housing constructed in conformance with CSA A.277 and CSA Z240 standards (Factory certified and mobile homes).

- 4.2 Subject to the Municipal Act, this Bylaw also applies to:
- a) the design and construction of swimming pool fences as specified in Section 10 of this Bylaw.
  - b) the design and construction of retaining walls as specified in Section 11 of this Bylaw.
  - c) the design and construction of sign structures as specified in Section 12 of this Bylaw.
  - d) The design and construction of mobile home parks and campgrounds as specified in section 13 of this Bylaw.

Exemptions from the Building Bylaw

- 5.1 This Bylaw does not apply to:
- a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way.
  - b) public utility towers and poles, television, radio and other communication aerials or towers, except for loads resulting from those located on, or attached to, buildings.
  - c) flood control and hydro electric dams and structures.
  - d) mechanical or other equipment and appliances not specifically regulated by these requirements.
  - e) accessory buildings not greater than 10 M2 in building area that do not create a hazard.

- f) factory built housing and components certified prior to placing on site under CSA A277M 1981, Procedures for Certification of Factory Built Houses, which conform with the requirements of the code, or CAN CSA Z240 MH Series M86 Mobile Homes, but the exemption does not extend to on site preparations, (foundations, basement mountings) interconnection of modules, connections to services and installation of appliances or other components.
- g) temporary buildings such as construction site offices, seasonal storage facilities, special events facilities, emergency facilities, motor homes or travel trailers used as temporary living quarters and similar structures, except that permits for such structures are required and may be withheld if such use creates a hazard.
- h) landscaping and similar surfacing of a lot, except as required by 4.2(b) and the provisions of the Building Code.
- i) bridges, except pedestrian and vehicular accesses attached to buildings.
- j) docks and wharves, except where a building is constructed on a dock.

Required Permits and Certificates

6.1 A permit is required whenever work regulated by this bylaw is to be undertaken. This shall include but shall not be limited to:

- a) construction of new buildings
- b) additions to buildings
- c) interior and exterior alterations to buildings
- d) foundations and set up of modular and mobile homes
- e) installation of plumbing systems
- f) alterations and additions to plumbing systems
- g) installation and alteration of fire protection sprinkler systems
- h) installation and alteration of mechanical exhaust and fire protection systems for commercial cooking equipment
- i) construction, installation and alteration of chimneys or fireplaces
- j) installation of solid fuel burning appliances
- k) construction, additions and alteration of mobile home parks
- l) construction, additions and alteration of camping grounds
- m) construction of retaining walls.
- n) foundations for, and set up and alteration to moved buildings
- o) construction of swimming pool fences.

- 6.2 A completion certificate is required prior to any person taking initial occupancy of any building or part thereof.
- 6.3 Where the use of a building or part thereof is changed, a new completion certificate is required.
- 6.4 A completion certificate is required prior to the initial occupancy of any mobile home park, camping ground or swimming pool.
- 6.5 Where an appliance, system or addition regulated by this bylaw is installed as an alteration to an existing building, a completion certificate must be obtained prior to placing such appliance, system or addition into use.
- 6.6 A permit for a temporary building is required prior to the placing, construction or use of such building as specified in Sections 5.1(g) and 15 herein.

Permits

- 7.1 Applications for all permits shall:
  - a) be made on the form attached hereto as Schedule "A";
  - b) be signed by the owner or agent.
- 7.2 Where the permit application is for a building, addition, or alteration, the application shall state the intended use or uses of the building, and include, where necessary, as exhibits in support of the application, two copies of the specifications and scale drawings of the project and site with respect to which the work is to be carried out. Such specifications and scale drawings shall show, in addition to the requirements of Section 2.3 of the B.C. Building Code:
  - a) the legal description and civic address of the lot on which the building is to be located;
  - b) the dimensions of the lot on which the building is to be located;
  - c) the location of the proposed building by dimensions from the property lines;
  - d) the location of every other adjacent existing building on the property by dimensions from the property line;
  - e) Offstreet parking and loading spaces, where required to be provided;
  - f) building elevations for each face of the proposed building and the heights of all existing buildings on the property;
  - g) the north bearing on the plan;
  - h) the dimensions and intended use of all rooms and spaces;
  - i) the details and description of the wall, roof, ceiling and floor systems, including insulation and exterior and interior finishes;
  - j) details and descriptions of the windows and doors, including type, size, hardware, glass size, glass type and weight;

- k) the location of all plumbing fixtures;
- l) the type, capacity and location of all heating and ventilation appliances and outlets;
- m) technical details, cross sections and all other information necessary to illustrate all essential features of the project;
- n) any and all other information necessary to establish compliance with this bylaw, and other bylaws of the Regional District of Central Okanagan;
- o) where necessary, schematic drawings that show the size and location of every pipe and trap in a drainage system.

7.3 Where the permit application is for the construction of a mobile home park or campground or additions thereto, the application must be accompanied with two copies of the specifications and scale drawings of the project. Such specifications and scale drawings shall include:

- a) site plans;
- b) internal street and lane details, including sections, grades, vertical and horizontal curve details;
- c) pad or slab design for each proposed mobile home space, including anchorage provisions for each home;
- d) mobile home space sizes;
- e) method of marking out each mobile home or camp space.
- f) proposed locations of mobile homes in each space;
- g) location and size of common storage spaces;
- h) location and size of all buffer and amenity open space areas;
- i) size and construction details of water mains, services and hydrants;
- j) size and construction details of sewer mains, manholes and services and/or septic tank and field locations and details;
- k) location and details of all electrical services, transformer pads and kiosks, including telephone and television services.
- l) size and construction details of all fences;
- m) parking spaces;
- n) storm water drainage provisions and details;
- o) landscape plans and details.

- 7.4 Where the permit application is for the construction of a retaining wall, the application must be accompanied with two copies of the specifications and scale drawings of the wall. Such specifications and scale drawings shall include:
- a) a site plan showing the size and location of the wall.
  - b) plan view of wall and footing.
  - c) typical cross sections of the wall.
  - d) the stamp and signature of a professional engineer licensed to practice in British Columbia.
  - e) a letter of construction supervision signed and sealed by the engineer.
- 7.5 Where the permit application is for a sign structure, the application must be accompanied with two copies of the specifications and scale drawings, including:
- a) a site plan showing the location of the sign structure in relation to all buildings, structures, signs and property lines of the lot.
  - b) foundation plans detailing the size and design of the foundation.
  - c) structural details showing the height, dimensions and design of the above ground structure, including anchorage details.
  - d) the size and design of all sign faces.
  - e) the stamp and signature of a professional engineer licensed to practice in British Columbia.
  - f) a letter of construction supervision, signed and sealed by the engineer.
- 7.6 Notwithstanding any other provisions of this bylaw, whenever the proposed work requires specialized technical knowledge, it shall be required that all drawings, specifications and plot plans, or any part thereof, be prepared and signed by, and the construction carried out with the supervision of, an architect or professional engineer or both.
- 7.7 Where an application as described in Sections 7(1) to 7(5) has been made, the proposed work is shown to conform with the requirements of this and all other bylaws of the Regional District, the applicant for a permit has paid to the Regional District the fee prescribed in Schedule "B" Schedule of Fees attached hereto, and the applicant for a permit has paid to the Regional District all applicable development cost charges, the Chief Building Inspector shall issue the permit for which the application is made.
- 7.8 A permit shall expire and the right of an owner or agent under the permit shall terminate if:
- a) The work authorized by the permit is not commenced within 6 months from the date of issuance of the permit; or

- b) The work authorized by the permit is for the installation of a solid fuel burning appliance and an inspection is not requested by the owner or agent within 6 months from the date of issuance of the permit; or
  - c) The work is discontinued or suspended for a period of more than one year.
- 7.9 Where work authorized by a permit is not commenced and a permit is cancelled at the request of an owner or agent or expired and cancelled by the Regional District, the Regional District shall refund permit fees as follows:
- a) Permits having a permit fee of \$75.00 or less, no refund will be allowed.
  - b) Permits having a permit fee of more than \$75.00, 50% of the permit fee in excess of \$75.00 will be refunded.
  - c) If the work authorized by the permit is started, no refund will be allowed.
- 7.10 Where a permit is cancelled or expired, a new permit must be obtained before any further work on the project is commenced.

Powers of the Chief Building Inspector

- 8.1 The Chief Building Inspector is authorized to:
- a) Administer this Bylaw;
  - b) Keep records of all applications received, permits and orders issued, inspections and tests made and shall retain copies of all papers and documents connected with the administration of this bylaw for such time as other regulations require;
  - c) Accept any construction or condition that lawfully existed prior to the effective date of this bylaw, provided that such construction does not constitute an unsafe condition;
  - d) Issue in writing such notices or orders as may be necessary to inform the owner or agent where a contravention of this bylaw has been observed;
  - e) Issue to the owner or agent an order or notice in writing to correct any unsafe condition observed in a building under construction;
  - f) Answer such relevant questions as may be reasonable with respect to the provisions of this bylaw when requested to do so;
  - g) Enter any building or premises at any reasonable time for the purpose of administering or enforcing this bylaw.
- 8.2 The Chief Building Inspector may order:
- a) a person who contravenes this bylaw to comply with the bylaw within a time limit specified in the order;
  - b) work to stop on the building, or any part thereof, if such work is proceeding in contravention of this bylaw.

- c) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed.
- 8.3 The Chief Building Inspector may direct that tests of materials, equipment devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner or agent, where such evidence or proof is necessary to determine whether the materials, equipment, devices, construction or foundation conditions meet the requirements of this bylaw.
- 8.4 The Chief Building Inspector may require an owner or agent to submit an up to date site certificate prepared by a registered land surveyor which shall contain sufficient information regarding the site location of a building to:
- a) establish before construction begins that all of the requirements of this bylaw in relation to this information will be complied with; and
  - b) verify upon completion of the work that all such requirements have been complied with.
- 8.5 The Chief Building Inspector shall refuse to issue any permit:
- a) whenever the information submitted is inadequate to determine compliance with this bylaw;
  - b) whenever incorrect information is submitted;
  - c) that would authorize any building, work or occupancy that would not be permitted by this bylaw.
- 8.6 The Chief Building Inspector shall revoke a permit if:
- a) there is a contravention of any condition under which the permit was issued;
  - b) the permit was issued in error; or
  - c) the permit was issued on the basis of incorrect information submitted.
- 8.7 The Chief Building Inspector shall place a valuation on the cost of the work for the purpose of determining applicable permit fees. Such valuation shall be based on the cost of the construction of such work.
- 8.8 Subject to Section 7.7 of this Bylaw, the Chief Building Inspector may issue a permit for an entire project with conditions that specific details which are incomplete or in error on the plans or specifications be included or modified to conform with this Bylaw as the project is constructed. Where such details are excessive or involve complex design considerations, the Chief Building Inspector shall require that the plans and specifications be corrected prior to the issuance of a permit.



- 8.9 The Chief Building Inspector may issue a permit for the construction of a phase of a project before the entire plans and specifications of the whole project have been submitted and approved, provided that adequate information and details have been supplied to indicate that the permitted construction will conform with this bylaw. The issuance of a phased building permit shall in no way alter or affect the requirements of the issuance of a permit for the rest of the building or project.
- 8.10 The Chief Building Inspector may issue a permit for an entire project conditional upon the submission by the owner or agent, prior to commencing work thereon, of such additional required information not available at the time of issuance of the permit, providing such additional required information is of secondary importance and is of such nature that the withholding of a permit until its availability would unreasonably delay the work.

Responsibilities of the Owner or Agent

- 9.1 Every owner or agent shall allow the Chief Building Inspector to enter any building or premises at any reasonable time for the purpose of administration and enforcement of this bylaw.
- 9.2 Every owner or agent shall obtain all permits or approvals required in connection with the proposed work, prior to commencement of the work to which they relate.
- 9.3 Every owner or agent shall ensure that the plans and specifications on which the issuance of the building permit was based are available continuously at the site of the work for inspection during working hours by the Chief Building Inspector, and that the permit, or true copy thereof, is available on the site during the entire execution of the work.
- 9.4 Every owner or agent carrying out construction to which this Bylaw applies shall obtain, by giving the Building Inspector at least twenty-four (24) hours notice, an inspection of works at each of the following stages:
- a) after preparations for footings are completed; prior to placement of concrete;
  - b) after forms for foundation walls are completed; prior to placement of concrete;
  - c) after dampproofing and foundation drains are in place; prior to backfilling;
  - d) after building drains, sanitary sewer or storm sewer drains are in place; prior to backfilling;
  - e) after water service lines are in place, prior to backfilling;
  - f) after any part of the plumbing system is in place and tested prior to covering;

- g) after framing and sheathing of the building is complete, including firestopping, bracing, chimneys, duct work, plumbing, gas venting, wiring and continuity of fire separations through concealed spaces, before any insulation, lath or other interior or exterior finish or roofing is applied which would conceal the work;
  - h) after all insulation and vapour barrier is in place, prior to any lath or other interior finish being applied which would conceal such work;
  - i) after the building or portion thereof is complete and ready for occupancy, prior to any occupancy of the whole or any portion of the building; and
  - j) at times that any other inspections may be necessary due to the size or complexity of the work.
- 9.5 Every owner or agent shall make or have made at his own expense, all tests or inspections as necessary to prove compliance with this bylaw, and shall file a copy of all such tests or inspection reports with the Chief Building Inspector.
- 9.6 Where necessary to establish compliance with this bylaw, every owner or agent shall uncover and replace at his own expense any work that has been covered prior to inspection by the Chief Building Inspector.
- 9.7 An owner or agent shall not deviate from the requirements of this bylaw or from the conditions of the permit.
- 9.8 An owner or agent can make minor changes to a project under construction without the prior approval of the Chief Building Inspector, provided that the changes are in conformance with the requirements of the Building Code.
- 9.9 An owner or agent shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed, should occupancy occur prior to the completion of the whole project.
- 9.10 An owner or agent shall obtain a completion certificate from the Chief Building Inspector prior to any occupancy of a building or part thereof after construction, partial demolition or alteration of that building and prior to any change in the occupancy of the building.
- 9.11 When a building or part thereof is in an unsafe condition, the owner or agent shall forthwith take all necessary action to put the building in a safe condition.

- 9.12 The granting of a permit, the approval of the drawings and specifications or inspections made by the Chief Building Inspector, shall not in any way relieve the owner or agent of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this bylaw, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the approved uses for the building.
- 9.13 An owner shall be responsible to make all corrections noted by an inspection carried out by the Chief Building Inspector.

#### Swimming Pools

- 10.1 Plans for public swimming pools shall be approved under the "Health Act" prior to the issuance of a permit under this bylaw.
- 10.2 Swimming pool fences shall be a barrier of not less than 1.2 meters (4 feet) in height measured from the outside grade and designed so that no member, attachment or opening will facilitate climbing and shall be provided around all swimming pools. All openings through such barrier shall be a size as to prevent the passage of a spherical object having a diameter of 100 mm (4 inches) or greater. All pedestrian gates or doors through the barrier shall be provided with self-closing devices and latches located on the pool side of the barrier. Vehicle and service gates through the barrier shall be closed and locked at all times when not in use.
- 10.3 Every fence referred to in Sections 10.1 and 10.2 of this bylaw shall be in place and completed before a swimming pool has water placed in it.

#### Retaining Walls

- 11.1 Where a permit is required for the construction of a retaining wall, plans and specifications for the retaining wall shall be prepared and the construction supervised by a professional engineer registered to practise in British Columbia.
- 11.2 Retaining walls shall be designed in accordance with good engineering practice.

#### Sign Structures

- 12.1 Where the area of a sign exceeds three square meters per face, or where the height of a sign structure exceeds four meters, the Chief Building Inspector shall require that all plans and specifications be certified and the construction of the sign structure be generally reviewed during construction by an engineer registered or licensed to practise in British Columbia.
- 12.2 Sign structures shall be designed in accordance with good engineering practice.

#### Mobile Home Parks and Campgrounds

- 13.1 Mobile home parks and campgrounds shall be laid out in conformance with the Regional District of Central Okanagan Zoning Bylaw.

- 13.2 Site services and internal roads shall be designed by, and their construction carried out under the supervision of an engineer licensed to practice in British Columbia.

Existing Solid Fuel Burning Appliances

- 14.1 Where a valid permit exists, the Chief Building Inspector shall, upon the request of an owner, inspect the existing installation of a solid fuel burning appliance. Such inspection shall be limited to the combustible clearances for the solid fuel burning appliance, its connection to an existing chimney, combustion air requirements and any readily visible portion of the chimney to which the solid fuel burning appliance is connected.

Permit for Temporary Building

- 15.1 A permit for a temporary building shall authorize the use of such temporary building for a period not exceeding six months. A permit for a temporary building may be renewed for one further six month period.

Climatic Data

- 16.1 Where climatic data is required for the design of buildings in the Regional District of Central Okanagan, the data listed in the current edition of the Supplement to the National Building Code of Canada, for Kelowna, British Columbia, shall be used except where a building is to be constructed at an elevation in excess of 800 meters above sea level in which case the climatic data shall be based on investigations made at the site.

Penalty

- 17.1 Any person who violates any of the provisions of this bylaw is guilty of an offence punishable on summary conviction in accordance with the Offence Act, RSBC 1979 C. 305.

The maximum fine for an offence under this bylaw shall be Two Thousand Dollars for each occurrence.

Read a First time this 6th day of February, 1989.

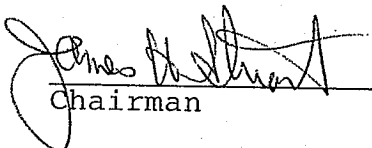
Read a Second time this 6th day of February, 1989.

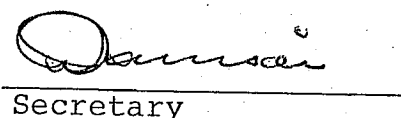
Read a Third time this 6th day of February, 1989.

Advertised pursuant to section 769 of the Municipal Act this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

Approved by the Ministry of Municipal Affairs this 19th day of May, 1989.

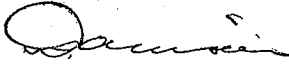
Reconsidered, finally passed and adopted this 5th day of June, 1989.

  
Chairman

  
Secretary

I hereby certify the foregoing to be a true and correct copy of By-law No. 384, 1989 which was read a third time by the Regional Board at its meeting held the 6th day of February, 1989.

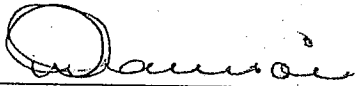
Dated at Kelowna, B.C. this 9th day of February, 1989.



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SECRETARY

I hereby certify the foregoing to be a true and correct copy of By-law No. 384, 1989 which was reconsidered and adopted by the Regional Board at its meeting held the 5th day of June, 1989.

Dated at Kelowna, B.C. this 13th day of June, 1989.



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SECRETARY