

# THE CORPORATION OF THE VILLAGE OF MONTROSE

## BYLAW #633

### A BYLAW TO ESTABLISH BUILDING REGULATIONS

WHEREAS Sections 8(3) and 53 of the *Community Charter* authorize the Village of Montrose, for the health, safety and protection of persons and property, to regulate buildings and other structures by Bylaw;

AND WHEREAS the Province of British Columbia, under section 692 of the *Local Government Act*, has adopted a Building Code to govern standards in respect of the construction and demolition of buildings in municipalities and Villages in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

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

#### 1.0 TITLE

1.1 This Bylaw may be cited for all as the "**Building Bylaw (2005-1)**."

1.2 The Bylaw is divided into 25 sections and a decimal numbering system has been used to identify its parts. The first number indicates the Section of the Bylaw; the second, the Subsection in the Section; the third, the Article in the Subsection; the fourth, the Sentence in the Article. A Sentence can be further broken down into Clauses (indicated by numbers in brackets) as follows:

2.0	Section
2.4	Subsection
2.4.1	Article
2.4.1.3	Sentence
2.4.1.3(1)	Clause

#### 2.0 DEFINITIONS

2.1 In this Bylaw:

The following words and terms have the meanings set out in Subsection 1.1 of the British Columbia Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, farm building, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.

**Adjacent Ground Level** means the level of the ground surface, both underneath a deck, building or structure, and for a minimum of 600mm (2 ft.) beyond the outside perimeter of the deck, building or structure.

**Council** means the Council of the Village of Montrose.

**Building Code** means the Building Regulations of British Columbia, as amended or superseded from time to time, established pursuant to section 692 of the *Local Government Act*.

**Building Official** includes Building Inspectors, Plan Checkers and Plumbing Inspectors appointed, employed or contracted by the Village to administer this Bylaw.

**Complex Building** means:

- (a) all buildings used for major occupancies classified as
  - (i) assembly occupancy,
  - (ii) care or detention occupancy,
  - (iii) high hazard industrial occupancy, and

- (b) all buildings exceeding 600 square meters (6500 sq. ft.) in building area or exceeding three storeys in building height and used for major occupancies classified as
- (i) residential occupancy,
  - (ii) business and personal services occupancy,
  - (iii) mercantile occupancy,
  - (iv) medium and low hazard industrial occupancy.

**Construct** includes reconstruct, erect, alter, enlarge, add and remove.

**Construction** includes reconstruction, erection, alteration, enlargement, addition and removal.

**Deck** includes a sundeck and means a raised, open, unroofed platform.

**Dwelling Unit** means a self-contained set of habitable rooms containing living quarters and kitchen and sleeping facilities designed and intended for occupancy by only one family or household.

**Final Inspection Report** means the point at which all deficiencies in the health and safety aspects of the work have been remedied to the satisfaction of the building official.

**Health and safety aspects of the work** means design and construction regulated by Part 3, Part 4, Part 7 and Subsections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31, 9.32, and 9.34 of Part 9 of the Building Code.

**Lot** means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office.

**Manufactured Home** means a building that is manufactured in a factory for transport, assembly, and completion as a residence, including placement on a foundation, and is certified as being constructed to the requirements of the CSA National Standard CAN/CSA-Z240 or A277 but is not designed to be transported on its own wheels or undercarriage.

**Modular Home** means a detached dwelling unit conforming to the CAN/CSA A277-90 standard which is completely constructed in a factory but is not designed to be transported on its own wheels or undercarriage.

**Open pole-type structure** means a building or structure designed to be free standing and without a perimeter foundation or walls and intended to be used for sheltering the storage of hay or feed.

**Owner** means the registered owner in fee simple of real property for which a permit is applied for or issued under this Bylaw.

**Permit** means a permit required by or issued under this Bylaw.

**Plumbing System** means a drainage, venting, fire protection or water system, or any part thereof.

**Pool** means a constructed or prefabricated pool, existing or prospective, situated wholly or in part above or below the adjacent ground level, used primarily for swimming, bathing or wading, having a surface water area greater than 15 square meters (160 sq. ft.), or a depth greater than 600 mm. (2 ft.) and which does not fall under the jurisdiction of the *Health Act* for pools.

**Pool area** means the enclosed area around the perimeter of a pool to a maximum of 15 meters (50ft.) from the edge of the water surface.

**Recreational Vehicle** means a vehicle, trailer, Park Model trailer, coach, house car, structure or conveyance designed to travel or to be transported on the highway and constructed or equipped to be used as a temporary living or sleeping quarters.

**Village** means Village of Montrose.

**Standard building** means a building of three storeys or less in building height, having a building area not exceeding 600 square meters (6500 sq ft) and used for major occupancies classified as

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

**Structure** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5m (5ft.) in height.

**Temporary Building** means a building or any part thereof that will be used for a period of time, not exceeding two years, and that has no permanent foundation or construction associated with it, other than footings.

### **3.0 PURPOSE OF THIS BYLAW**

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

### **4.0 PERMIT CONDITIONS**

- 4.1 No person shall undertake work regulated by this Bylaw without a permit.
- 4.2 Neither the issuance of a permit under this Bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Village shall in any way relieve the owner or his or her representative from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code and other applicable enactments respecting safety.
- 4.3 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work, in respect of which a permit is issued under this Bylaw, in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.

- 4.4 The
  - 4.4.1 issuance of a permit under this Bylaw,
  - 4.4.2 acceptance or review of plans, drawings, specifications or supporting documents, or
  - 4.4.3 making of one or more inspections by or on behalf of the Village, does not constitute in any way a representation, warranty, assurance or statement that the Building Code, this Bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued is responsible for making such determination.
- 4.6 An owner of the property for which a permit is issued must conform to all requirements of this Bylaw and all other enactments and Village by-laws applicable to the work for which the permit is issued.

## **5.0 SCOPE AND EXEMPTIONS**

- 5.1 This Bylaw applies to
  - 5.1.1 all farm buildings on land assessed as farm status by the B.C. Assessment Authority, except for the following:
    - 5.1.1.1 open pole-type structures;
    - 5.1.1.2 one-story buildings less than 40 sq. m (430 sq. ft.) in area used for agricultural or horticultural purposes;
    - 5.1.1.3 grain bins or silos;
  - 5.1.2 the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change of occupancy of existing buildings and structures;
  - 5.1.3 the installation of a new or used solid fuel burning appliance, certified by a recognized agency;
  - 5.1.4 a newly installed new metal chimney certified by a recognized agency;
  - 5.1.5 a newly constructed masonry chimney.
- 5.2 This Bylaw does not apply to
  - 5.2.1 buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein;
  - 5.2.2 retaining structures less than 1.5 meters (5 ft.) in height;
  - 5.2.3 decks without roofs having a difference in elevation to grade not exceeding 600 millimeters (2ft.);
  - 5.2.4 existing metal or masonry chimneys;
  - 5.2.5 alterations or repairs of masonry chimneys or fireplaces, solid fuel-burning appliances, factory built chimneys or fireplaces and related equipment;
  - 5.2.6 the repair or replacement of a valve, faucet, fixture or sprinkler head in a plumbing system if no change in piping is required;
  - 5.2.7 recreational vehicles used for temporary accommodation for recreation or vacation purposes only;
  - 5.2.8 construction that is regulated under a Residential Rehabilitation Assistance Program;
  - 5.2.9 structures, such as greenhouses and seasonal storage facilities, that are constructed of a wood, steel or plastic frame covered

with sheet polyethylene, fabric, tarps or glass that are less than 28 square meters (300 sq. ft.) that are intended to be used temporarily on a seasonal basis and may be removed during the off season.

## **6.0 PROHIBITIONS**

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.
- 6.2 No person shall occupy or use any building or structure until a final inspection report has been issued by a building official for the building or structure, or contrary to the terms of any permit issued or any notice given by a building official.
- 6.3 No person shall knowingly submit false or misleading information to a building official in relation to any permit application or construction undertaken pursuant to this Bylaw.
- 6.4 No person shall, unless authorized by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this Bylaw.
- 6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless a building official has accepted that variance.
- 6.6 No person shall obstruct the entry on property of a building official or other authorized official of the Village in the administration of this Bylaw.

## **7.0 BUILDING OFFICIALS**

- 7.1 A building official may
  - 7.1.1 administer this Bylaw;
  - 7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this Bylaw or make microfilm or digital copies of such documents; and
  - 7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a building or structure for which a permit is sought under this Bylaw substantially conform to the requirements of the Building Code.
- 7.2 A building official
  - 7.2.1 may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this Bylaw are being observed;
  - 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
  - 7.2.3 shall carry proper credentials confirming the official's status as a Village building official.
- 7.3 A building official may order the suspension or correction of any work that contravenes the Building Code or this Bylaw, if the contravention is revealed to the building official on a visual inspection made during the course of carrying out that official's duties. For the purpose of this subsection, the building official is not obliged to require any work to be uncovered or removed in order to determine if there is a contravention.

## **8.0 APPLICATIONS**

- 8.1 Unless the work is exempted under Section of this Bylaw, every person must apply for and obtain from the Village a
  - 8.1.1 building permit before constructing or altering a building or

- structure;
- 8.1.2 building permit before installation of a Manufactured Home or Modular Home;
- 8.1.3 plumbing permit before installation, alteration or remodeling of any plumbing is undertaken;
- 8.1.4 building permit before installation of a pool;
- 8.1.5 building permit before new roofing materials are applied to replace the existing roofing material;
- 8.1.6 building permit before moving a building or structure;
- 8.1.7 building permit before demolition of all residential buildings and all other buildings in excess of 300 meters squared (3330 sq. ft.);
- 8.1.8 building permit prior to the construction, alteration or installation of a masonry fireplace or the installation of a wood burning appliance or chimney;
- 8.2 Applications made for building permits and all other permits issued under this Bylaw must be in a form acceptable to the Village.
- 8.3 All plans submitted with permit applications must bear the name and address of the designer of the building or structure.
- 8.4 For each building, structure or plumbing system to be constructed on a site, the owner must obtain a separate building permit and be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with Schedule "A" to this Bylaw.

## **9.0 APPLICATIONS FOR COMPLEX BUILDINGS**

- 9.1 An application for a building permit with respect to a complex building must
  - 9.1.1 be made in the form provided by the Village and signed by the owner making the application or a signing officer if the owner is a corporation;
  - 9.1.2 be accompanied by the owner's acknowledgment of responsibility and undertakings made in a form acceptable to the Village, signed by the owner, or a signing officer if the owner is a corporation;
  - 9.1.3 include a copy of a title search, accompanied by referenced covenants, made within 7 days of the date of the application;
  - 9.1.4 state the intended use of the building;
  - 9.1.5 include a site plan prepared by a British Columbia Land Surveyor or by a registered professional showing
    - 9.1.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - 9.1.5.2 the legal description and civic address of the parcel;
    - 9.1.5.3 the location and dimensions of all statutory rights of way, easements and setback requirements when required by the building official;
    - 9.1.5.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
    - 9.1.5.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
    - 9.1.5.6 the existing and finished ground levels to an es-

established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Village's land use regulations establish siting requirements related to minimum floor elevation; and

- 9.1.5.7 the location, dimension and gradient of parking and driveway access;

unless a building official has waived the requirement for a site plan, in whole or in part, in the circumstance where the permit is sought for the repair or alteration of an existing building or structure;

- 9.1.6 contain sufficient information on building plans to determine compliance with this Bylaw, such as

- 9.1.6.1 floor plans showing

- (i) the dimensions and uses of all areas,
- (ii) the location, size and swing of doors,
- (iii) the location, size and opening of windows,
- (iv) floor, wall, and ceiling finishes,
- (v) plumbing fixtures,
- (vi) structural elements, and
- (vii) stair dimensions;

- 9.1.6.2 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;

- 9.1.6.3 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;

- 9.1.6.4 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;

- 9.1.6.5 copies of approvals, including, without limitation, highway access permits when required by the Ministry of Highways and Ministry of Health application approval;

- 9.1.6.6 letters of assurance in the form of Schedule "A" as referred to in Section 2.6 of Part 2 of the Building Code, signed by the owner, or a signing officer of the owner if the owner is a corporation, and the coordinating registered professional.

- 9.1.6.7 letters of assurance in the form of Schedules B-1 and B-2 as referred to in Section 2.6 of Part 2 of the Building Code, each signed by such registered professionals as the building official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure;

- 9.1.6.8 two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in Sentences - of this Bylaw.

- 9.2 In addition to the requirements of Subsection , the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:

- 9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and

sealed by a registered professional;

9.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;

9.2.3 any other information required by the building official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

## **10.0 APPLICATIONS FOR STANDARD BUILDINGS**

10.1 When required by the building official, an application for a building permit with respect to a standard building must

10.1.1 be made on the form provided by the Village and signed by the owner making the application, or a signing officer if the owner is a corporation;

10.1.2 be accompanied by the owner's acknowledgment of responsibility and undertakings made in a form acceptable to the Village, signed by the owner, or a signing officer if the owner is a corporation;

10.1.3 include a copy of a title search, accompanied by referenced covenants, made within 7 days of the date of the application;

10.1.4 state the intended use of the building;

10.1.5 include a site plan showing

10.1.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

10.1.5.2 the legal description and civic address of the parcel;

10.1.5.3 the location and dimensions of all statutory rights of way, easements and setback requirements when required by the building official;

10.1.5.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;

10.1.5.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;

10.1.5.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Village's land use regulations establish siting requirements related to minimum floor elevation; and

10.1.5.7 the location, dimension and gradient of parking;

unless a building official has waived the requirements for a site plan, in whole or in part, in circumstances where the permit is sought for the repair or alteration of an existing building or structure.

10.1.6 contain sufficient information on building plans to determine compliance with this Bylaw, such as

10.1.6.1 floor plans showing

(i) the dimensions and uses of all areas;

(ii) the dimensions and height of crawl and roof spaces;



- (iii) the location, size and swing of doors;
    - (iv) the location, size and opening of windows;
    - (v) floor, wall, and ceiling finishes;
    - (vi) plumbing fixtures; structural elements; and
    - (vii) stair dimensions;
  - 10.1.6.2 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
  - 10.1.6.3 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
  - 10.1.6.4 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
  - 10.1.6.5 copies of approvals including, without limitation, highway access permits, when required by the Ministry of Highways, and Ministry of Health application approval;
  - 10.1.6.6 a foundation design prepared by a registered professional in accordance with Section 4.2 of Part 4 of the Building Code, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in Section 2.6 of Part 2 of the Building Code, signed by the registered professional; and
  - 10.1.6.7 two sets of drawings at a suitable scale of the design including the information set out in Sentences – of this Bylaw.
- 10.1.7 The requirements of Sentence may be waived by a building official in circumstances where the building official has required a professional engineer's report and the building permit is issued in accordance with Section 56(1) of the *Community Charter*.
- 10.1.8 The requirements of Sentence may be waived by a building official if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with Subsection 9.4.4 of Part 9 of the Building Code and the foundation excavation substantially complies with Section 9.12 of Part 9 of the Building Code.
- 10.2 In addition to the requirements of Subsection , the following may be required by a building official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:
- 10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional;
  - 10.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways ;
  - 10.2.3 a roof plan and roof height calculations;
  - 10.2.4 structural, electrical, mechanical, plumbing or fire suppression drawings prepared and sealed by a registered professional;
  - 10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in Section 2.6 of Part 2 of the Building Code, signed by a registered professional;
  - 10.2.6 any other information required by the building official or the

Building Code to establish substantial compliance with this Bylaw, the Building Code and other Bylaws and enactments relating to the building or structure.

### **11.0 PROFESSIONAL PLAN CERTIFICATION**

- 11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in Section 2.6 of Part 2 of the Building Code and provided pursuant to Sentences and , Article , and Subsection of this Bylaw are relied upon by the Village and its building officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety of the building.
- 11.2 A building permit issued for the construction of a complex building, or for a standard building for which a building official required professional design pursuant to Article and letters of assurance pursuant to Article and sentence of this Bylaw must be in a form acceptable to the Village.
- 11.3 A building permit issued pursuant to Subsection of this Bylaw must include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.
- 11.4 When a building permit is issued in accordance with Subsection of this Bylaw the permit fee must be reduced by 5% of the fees payable, up to a maximum reduction of \$500.00 (five hundred dollars).

### **12.0 FEES AND CHARGES**

- 12.1 In addition to applicable fees and charges required under other Bylaws, a permit fee, calculated in accordance with Schedule "A" to this Bylaw, must be paid in full prior to issuance of any permit under this Bylaw.
- 12.2 An application made for a building permit must be accompanied by the appropriate plan-check deposit fee prescribed in Schedule "A" to this Bylaw, which is non-refundable and must be credited against the building permit fee when the permit is issued.
- 12.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 12.4 The owner may obtain a refund of the building permit fees paid as prescribed in Schedule "A" to this Bylaw.
- 12.5 Where, due to non-compliance with this Bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as prescribed in Schedule "A" to this Bylaw must be paid prior to each additional inspection being performed.

### **13.0 BUILDING PERMITS**

- 13.1 When
    - 13.1.1a completed application including all required supporting documentation has been submitted;
    - 13.1.2the owner or his or her representative has paid all applicable fees set out in Subsection of this Bylaw;
    - 13.1.3the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw; and
    - 13.1.4no covenant, agreement, or regulation in favor of the Village, or bylaw of the Village or other enactment authorizes the permit to be withheld;
- a building official must issue the permit for which the application is

made.

- 13.2 When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the owner provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed building
- 13.2.1 is covered by home warranty insurance, and
- 13.2.2 the constructor is a licensed residential builder.
- 13.3 Subsection of this Bylaw does not apply if the owner or constructor is not required to be licensed and to obtain home warranty insurance in accordance with Sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
- 13.4 Every permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if
- 13.4.1 the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit;
- 13.4.2 the work is discontinued for a period of 12 (twelve) months; or
- 13.4.3 the work is not completed within 36 months (3 years) from the date of issuance of the permit.
- 13.5 A building official may, upon termination or expiration of the period of time in Article , grant a renewal of the permit for a further 36 month (3-year) period if satisfied that the construction is progressing at a reasonable rate of progress, providing that the renewal fee in the amount of the minimum permit fee is paid. Should construction, granted under the renewal permit, not be completed within 36 months, the permit shall terminate and the owner will be required to apply for a new permit. The building official will calculate the fee proportionate to the completion of the construction from the last recorded inspection. A construction value will be assessed and a permit fee calculated in accordance with Schedule "A" to this Bylaw.
- 13.6 A building official may extend the period of time set out under Articles and where construction has not commenced or where construction has been discontinued due to adverse weather, strikes, material or labor shortages, or similar hardship beyond the owner's control.
- 13.7 A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the Village to demonstrate to the building official that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this Bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure referred to in the previous sentence had not been issued.

#### **14.0 DISCLAIMER OF WARRANTY OR REPRESENTATION**

- 14.1 Neither the issuance of a permit under this Bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a building official, shall constitute a representation or warranty that the Building Code or the Bylaw have been complied with or the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard of construction.

#### **15.0 CLIMATIC AND GEOLOGICAL DATA**

- 15.1 Climatic data for the design of buildings in the Village are deemed to be:

**DESIGN TEMPERATURE**

January	2.5% design temperature	-17°C
January	1% design temperature	-20°C
July	2.5% dry bulb temperature	32°C
July	2.5% wet bulb temperature	20°C
Degree days below 18°C		3,700

**PRECIPITATION**

Fifteen (15) minute rain	10mm
One day rain	50mm

**MAXIMUM GROUND SNOWLOAD**

Ground Snow Load, Kpa	$S_s$	3.7
Ground Snow Load, Kpa	$S_r$	0.1

**HOURLY WIND PRESSURES**

1/10 kPa	0.22
1/30 kPa	0.30
1/100 kPa	0.41

**SEISMIC DATA**

Zone Acceleration	1.00
Zone Velocity	1.00
Zoned Velocity Ratio (V)	0.05

**16.0 PROFESSIONAL DESIGN AND FIELD REVIEW**

- 16.1 When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require that a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in Section 2.6 of Part 2 of the Building Code.
- 16.2 Prior to the issuance of a final inspection report for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with Sentences and , Article or Subsection 16.1 of this Bylaw, the owner must provide the Village with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Section 2.6 of Part 2 of the Building Code.
- 16.3 When a registered professional provides letters of assurance in accordance with Sentences , , Article , or Subsections or of this Bylaw, the registered professional must also provide proof of professional liability insurance/errors and omissions to the building official in a form acceptable to the Village.

**17.0 RESPONSIBILITIES OF THE OWNER**

- 17.1 Every owner must ensure that all construction complies with the Building Code, this Bylaw and other applicable enactments respecting safety.
- 17.2 Every owner to whom a permit is issued must, during construction,
- 17.2.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
- 17.2.2 keep a copy of the accepted designs, plans and specifications on the property; and
- 17.2.3 post the civic address on the property in a location visible from any adjoining streets.

**18.0 INSPECTIONS**

- 18.1 When a registered professional provides letters of assurance in accordance with Sentences , , Article , or Subsections or of this Bylaw, the

Village will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to this Bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this Bylaw and other applicable enactments respecting safety.

- 18.2 Notwithstanding Subsection of this Bylaw, a building official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 18.3 A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the those portions of the Building Code, this Bylaw and any other applicable enactment concerning safety.
- 18.4 The owner or his or her representative shall give at least 72 hours' notice to the Village when requesting an inspection and shall obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealing it:
- 18.4.1 DAMP PROOFING AND DRAIN TILES: After removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp proofing but PRIOR to backfilling. The building setbacks from property lines will be confirmed at this time.
- 18.4.2 PLUMBING: After the ground work has been completed, but PRIOR to backfilling. Testing may be required at this point.
- 18.4.3 FRAMING: When framing, sheathing and roofing of the building are complete but before any insulation, lath or other interior or exterior finish is applied which could conceal such work;
- 18.4.4 MASONRY FIREPLACE:
- 18.4.4.1 First Inspection: Installation of first flue liner above smoke chamber.
- 18.4.4.2 Second Inspection: Chimney cap, but PRIOR to installing.
- 18.4.5 SOLID FUEL BURNING APPLIANCE: When the appliance and the chimney are installed, but PRIOR to using. The chimney must not be concealed for inspection purposes.
- 18.4.6 INSULATION: After all insulation and vapor barriers are installed but PRIOR to covering same.
- 18.4.7 FINAL: When the building or portion thereof is completed and ready for occupancy but PRIOR to occupancy thereof.
- 18.5 No aspect of the work referred in Subsection 18.4 of this Bylaw may be concealed until a building official has accepted it in writing.
- 18.6 The requirements of Subsection of this Bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with Sentences , , Article , and Subsection or of this Bylaw.

## **19.0 FINAL INSPECTION REPORT**

- 19.1 No person may occupy a building or structure or part of a building or structure until a final inspection report has been issued in a form acceptable to the Village.
- 19.2 A final inspection report must not be issued unless
- 19.2.1 all letters of assurance have been submitted when required in accordance with Sentences , , Article , and Subsection or of this Bylaw.

19.2.2 all aspects of the work requiring inspection and acceptance pursuant to Subsection of this Bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with Subsection of this Bylaw.

19.3 A building official may issue a final inspection report for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in Subsection of this Bylaw have been met with respect to it.

## **20.0 POOLS**

20.1 No person may commence or continue any work related to the installation, construction and alteration of a pool unless a valid building permit has been obtained pursuant to this Bylaw.

20.2 An exterior pool area must be enclosed within a fence of not less than 1.5 meters (5 ft.) in height. The fence must be designed and constructed so that no member, attachment or opening will facilitate climbing. All openings through the fence must be of a size as to prevent the passage of a spherical object having a diameter of 100 mm. (4 inches). Access through the fence enclosing the pool must be equipped with a self-closing gate so designed as to cause the gate to return to a closed position when not in use. The self-latching device must be located on the pool side of the fence at a height of at least 1.0 meters (3 ft 3 inches) above grade or on the outside of the fence at 1.4 meters (4 ft 7 inches) above grade.

20.3 Despite subsection , standard chain link wire mesh may be acceptable provided that the fence is not less than 1.5 meters (5 ft.) in height.

20.4 Each owner or occupier of property on which a pool is located must maintain a fence required under this section in good order. All sagging gates, loose parts, torn mesh or missing material, worn latches, locks or broken or binding members must be promptly replaced or repaired.

20.5 Public swimming pools and spas require Ministry of Health approval prior to issuance of building permits.

## **21.0 RETAINING STRUCTURES**

21.1 A registered professional must undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.5 meters (5 ft.) in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.5 meters (5 ft.) in height shall be submitted to a building official prior to acceptance of the works.

## **22.0 PENALTIES AND ENFORCEMENT**

22.1 A person who contravenes a provision of this Bylaw commits an offence and is liable on conviction to a fine of not less than \$100.00 (One Hundred Dollars) and not more than the maximum penalty prescribed by law.

22.2 A person who fails to comply with any order or notice issued by a building official, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.

22.3 A person who commences construction prior to obtaining a permit as required by this Bylaw, shall pay an additional permit fee as prescribed in Schedule "A" to this Bylaw and this additional fee shall not exceed \$500.00. For the purposes of this subsection, construction shall be deemed to have commenced when a building has been moved to its new location, or the concrete footings have been poured, or equivalent work is in place when other building systems are used.

22.4 A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this Bylaw by posting a Stop Work notice on the building or structure in a form acceptable to the Village.

- 22.5 The owner of property on which a Stop Work notice has been posted, and every other person, must cease all construction work immediately and shall not do any work until all applicable provisions of the Building Code and this Bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a building official.
- 22.6 Where a person occupies a building or structure or part of a building or structure in contravention of Subsection 6.2 of this Bylaw, a building official may post a Do Not Occupy notice in a form acceptable to the Village on the affected part of the building or structure.
- 22.7 The owner of property on which a Do Not Occupy notice has been posted, and every person, must cease occupancy of the building or structure immediately and must refrain from further occupancy until all applicable provisions of the Building Code and this Bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a building official.

**23.0 SEVERABILITY AND APPLICATION**

- 23.1 The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.
- 23.2 This Bylaw shall apply to all areas of the Village of Montrose.

**24.0 TRANSITION**

- 24.1 This Bylaw shall not affect the right of an owner under a permit issued prior to the coming into force of this Bylaw, provided the owner has commenced work within six (6) months of the date of issuance of the permit and has actively and continuously carried out work thereafter according to this Bylaw.

**25.0 ENACTMENT AND REPEAL**

- 25.1 This Bylaw shall come into full force and effect upon its final passage and adoption.
- 25.2 Bylaws #604 and #632 are hereby repealed.

READ A FIRST TIME	this 6 <sup>th</sup> day of June, 2005
READ A SECOND TIME	this 6 <sup>th</sup> day of June, 2005
READ A THIRD TIME	this 6 <sup>th</sup> day of June, 2005
RECONSIDERED AND FINALLY ADOPTED	this 20 <sup>th</sup> day of June, 2005

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Mayor

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Clerk

I certify this to be a true copy of Bylaw #633 as adopted.

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Clerk

THE CORPORATION OF THE VILLAGE OF MONTROSE  
**BYLAW #633**  
 SCHEDULE "A"

The schedule of fees to be charged for the issuance of a permit under this Bylaw shall be as follows:

**A. Minimum Fee**

The minimum fee for any permit issued pursuant to this Bylaw shall be fifty dollars (\$50.00).

**B. Declared or Assessed Value**

The permit fee for the construction, reconstruction, addition, extension, alteration or repair of a building, or for any other work for which a permit is required pursuant to this Bylaw and for which no specific fee is listed, shall be eight dollars (\$8.00) for each \$1,000 or portion thereof of the value of work to be performed under the authority of the permit.

The fee for each plumbing fixture, which includes all traps and hot water tanks, shall be:

- |  |          |
|--|----------|
| a) Per fixture when issued in conjunction with a Building Permit     | \$ 10.00 |
| b) Additional flat fee when issued separately from a Building Permit | \$ 75.00 |

**C. Non-Refundable Application Fee**

Subject to section 6 of this Bylaw Schedule, every permit application shall include a non-refundable application fee:

- |   |           |
|---|-----------|
| a) Actual permit fee up to \$10,000 of construction cost            |           |
| b) For each application for \$10,000 to \$50,000 construction cost  | \$ 50.00  |
| c) For each application for construction cost in excess of \$50,000 | \$ 150.00 |

The non-refundable fee shall be applied against the cost of the permit.

**D. Unauthorized Construction Fees**

The permit fees referred to in section 22.3 shall be:

- |  |           |
|--|-----------|
| a) In addition to the permit fee prescribed in section C. a) above | \$ 100.00 |
| b) In addition to the permit fee prescribed in section C. b) above | \$ 100.00 |

**E. Related Building Permit Fees**

- |                                  |          |
|----------------------------------|----------|
| a) Re-inspection fee             | \$ 75.00 |
| b) Demolition fee                | \$ 50.00 |
| c) Moving permit fee             | \$ 75.00 |
| d) Temporary building permit fee | \$ 75.00 |

Fees for item d) in this section are in addition to section 1 and section 2 fees.

**F. Building Permit Fee Refunds**

Notwithstanding section 4 of this Bylaw Schedule, where a permit has been issued pursuant to this Bylaw and construction has not yet commenced, permit fees shall be refunded on application for the cancellation of the permit subject to the conditions set forth in this section:

- a) that an application for a refund be received within twelve (12) months of the issue date of the permit, and
- b) that the fee retained be not less than fifty dollars (\$50.00), and
- c) that the amount refunded to the applicant be not more than seventy-five percent (75%) of the fee paid.

**G. Notice on Title**

A fee of two hundred dollars (\$200.00) shall be paid with an application to remove a notice placed on the title of a property under the authority of section 700 of the *Local Government*



*Act.*

THE CORPORATION OF THE VILLAGE OF MONTROSE  
**BYLAW #633**

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