



VILLAGE OF FRUITVALE BYLAW NO. 698

A Bylaw to provide for the Administration of the Building Code

WHEREAS section 694(I) of the “Local Government Act” authorizes the Council of the Corporation of the Village of Fruitvale, for the health, safety and protection of persons and property to regulate construction, alteration, repair, or demolition of buildings and structures by bylaw;

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

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

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

1. TITLE

- 1.1 This bylaw may be cited for all purposes as the “Village of Fruitvale Building and Plumbing Bylaw No. 698, 2003”.

2. DEFINITIONS

- 2.1 In this bylaw:

The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998: assembly occupancy, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.

“AUTHORITY HAVING JURISDICTION” means the Council of the Corporation of the Village of Fruitvale and the employees authorized by the Council that have the authority over the subject that is regulated.

“BUILDING CODE” means the British Columbia Building Code 1998 as adopted by the Minister pursuant to section 692 (1) of the Local Government Act, as amended or re-enacted from time to time.

“BUILDING OFFICIAL” includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by Village of Fruitvale.

“COMPLEX BUILDING” means:

- (a) all building used for major occupancies classified as:

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

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

“MUNICIPALITY” means the Village of Fruitvale

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

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

- (a) residential occupancies;
- (b) business and personal services 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 or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.2 metres in height.

3. PURPOSE OF BYLAW

3.1 This bylaw, shall notwithstanding any other provision herein, be interpreted in accordance with this section.

3.2 This bylaw is enacted and retained for the purpose of regulating construction with Village of Fruitvale in the general public interest. The activities undertaken by or on behalf of the Village of Fruitvale pursuant to this bylaw are for the sole purpose of providing a limited spot check for health, safety and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend:

3.2.1 to the protection of **owners**, owner/builders or **constructors** from economic loss;

- 3.2.2 to the assumption by the Village of Fruitvale or any Building Official of any responsibility for ensuring the compliance by any **owners**, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting safety;
- 3.2.3 to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this bylaw;
- 3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village of Fruitvale is free from latent, or any defects.

4. PERMIT CONDITIONS

- 4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.
- 4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Village of Fruitvale shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with the Building Code, this bylaw and/or other enactments respecting safety.
- 4.3 It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the Building Code, this bylaw and/or other enactments respecting safety.
- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Village of Fruitvale constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw and/or other enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

5. SCOPE AND EXEMPTIONS

- 5.1 This Bylaw applies to the design, construction, installation and occupancy of new buildings, structures and plumbing systems and the alteration, reconstruction, demolition, removal, repair, relocation and occupancy of existing buildings and structures.
- 5.2 (a) This Bylaw does not apply to one storey building less than 46 square meteres (500 sq. ft) in area used or intended for:
 - (i) agricultural or horticultural purposes, or
 - (ii) animal raising, or;
 - (iii) poultry raising.

- (b) This Bylaw does not apply to non-structural repairs valued at less than One Thousand (\$1,000.00) dollars as determined by the Building Official made to buildings used or intended for:
 - (i) single family houses;
 - (ii) private garages or residential accessory buildings;
 - (iii) agricultural or horticultural purposes;
 - (iv) animal raising, or;
 - (v) poultry raising.
- (c) This Bylaw does not apply:
 - (i) when a fixture, valve or faucet is repaired or replaced, a stoppage cleared or a leak repaired if no change in the piping is required.
- (d) This Bylaw does not apply to storage sheds provided that:
 - (i) The storage shed does not exceed 10 square metres in floor area;
 - (ii) The storage shed is one story;
 - (iii) The storage shed does not exceed 3 m to peak in height and;
 - (iv) The location of the storage shed complies with the applicable Zoning Bylaw;
- (e) This Bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining structures less than 1.2 metres in height.

6. GENERAL PROVISIONS

- 6.1 The use, siting, and size of all buildings shall conform to any zoning bylaw applicable to the land on which the building is to be situated, constructed, repaired, altered, or moved.
- 6.2 All water closets (toilets) installed within the Village of Fruitvale shall be of a design that uses no more than seven (7) litres per flush without the aid of any add-on or retrofit devices.
- 6.3 All shower heads installed within the Village of Fruitvale shall be equipped with a water saving device.

7. SEVERABILITY

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

8. APPLICATION

- 8.1 This Bylaw shall apply to the Village of Fruitvale.

9. PROHIBITION

- 9.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction unless a building official has issued a valid and subsisting permit for the work.
- 9.2 No person shall occupy or use any building or structure unless a valid and subsisting occupancy permit has been issued by a building official for the building or structure, or contrary to the terms of any permit issued or any notice given by a building official.
- 9.3 No person shall knowingly submit false or misleading information to a building official in relation to any permit application or construction undertaken pursuant to this bylaw.
- 9.4 No person shall, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit, certificate posted upon or affixed to a building or structure pursuant to this bylaw.
- 9.5 No person shall do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been accepted in writing of this bylaw.
- 9.6 No person shall obstruct the entry of a building official or other authorized official of the Village of Fruitvale on property in the administration of this bylaw.

10. DUTIES

- 10.1 The authority having jurisdiction may:
- (a) administer this Bylaw;
 - (b) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm copies of such documents;
 - (c) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a building or structure for which a permit is sought under this Bylaw substantially conform to the requirements of the Building Code.

11. POWERS

- 11.1 The authority having jurisdiction may:
- (a) ensure that employees or persons charged with administration of this Bylaw carry property identification;
 - (b) 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;
 - (c) 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;

- (d) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at the expense of the owner, which such evidence or proof is necessary to determine whether the material, devices, construction or foundation substantially meets the requirements of this Bylaw. The records of such tests shall be kept available for inspection during the construction of the building.
- (e) direct written notice, or by attaching a placard to the premises, the correction of any condition, where in the opinion of the authority having jurisdiction, such condition contravenes the provisions of this Bylaw, order the cessation of work that is proceeding in contravention of this Bylaw.

12. PERMITS

12.1 Every person shall apply for and obtain:

12.1.1 a building permit before constructing, repairing, moving, installing or altering a building, structure, sign, change in occupancy or plumbing system;

12.1.2 a demolition permit before demolishing a building or structure.

12.2 Applications for the permits noted in 12.1 shall be made in the form prescribed from time to time by the Village of Fruitvale.

12.3 All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.

12.4 Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with Schedule F to the Bylaw.

13. APPLICATIONS FOR COMPLEX BUILDINGS

13.1 An application for a building permit with respect to a complex building shall;

13.1.1 be made in the form prescribed from time to time by the Village of Fruitvale, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;

13.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed from time to time in by the Village of Fruitvale, signed by the owner, or a signing officer if the owner is a corporation;

13.1.3 floor plans showing dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.

- 13.1.4 A site plan prepared by a British Columbia Land Surveyor showing:
 - 13.1.4.1.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 13.1.4.2 the legal description and civic address of the parcel;
 - 13.1.4.2.1 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 13.1.4.2.2 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 13.1.4.2.3 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of Fruitvale's land use regulations establish siting requirements related to flooding;
 - 13.1.4.2.4 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 of Fruitvale's land use regulations establish siting requirements related to minimum floor elevation; and
 - 13.1.4.2.5 the location dimension and gradient of parking and driveway access;
 - 13.1.4.2.6 the building official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
- 13.1.5 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 13.1.6 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- 13.1.7 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
- 13.1.8 copies of approval required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health Approval;
- 13.1.9 a letter 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;

- 13.1.10 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;
 - 13.1.11 two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 13.1.5 - 13.1.8 of this bylaw;
- 13.2 In addition to the requirements of Section 13.1, the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant;
- 13.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the Village of Fruitvale's subdivision servicing Bylaw;
 - 13.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 13.2.3 any other information required by the building official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other Bylaws and enactments relating to the building or structure.

14. APPLICATIONS FOR STANDARD BUILDINGS

14.1 An application for a building permit with respect to a standard building shall;

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

- 14.1.3.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of Fruitvale's land use regulations establish siting requirements related to flooding;
- 14.1.3.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the Village of Fruitvale's land use regulations establish siting regulations related to minimum floor elevation; and
- 14.1.3.7 the location, dimension and gradient of parking and driveway access;
- 14.1.3.8 the building official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
- 14.1.4 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
- 14.1.5 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 14.1.6 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- 14.1.7 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
- 14.1.8 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health Approval;
- 14.1.9 a foundation design prepared by a registered professional in accordance with section 4.2 and Part 4 of the Building Code, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional;
- 14.1.10 the requirements of section 14.1.10 may be waived by a building official in circumstances where the building official has required a professional engineer's report pursuant to section 699 (2) of the Local Government Act the building permit is issued in accordance with sections 699 (5) and (6) of the Local Government Act.;

14.1.11 The requirements of section 14.1.10 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 section 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.;

14.1.12 two sets of drawings at a suitable scale of the design including the information set out in sections 14.1.5 – 14.1.8 and 14.1.10 of this bylaw.

14.2 In addition to the requirements of section 14.1, the following may be required by a building official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, which in the aggregate total more than 1000 square metres, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:

14.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the Village of Fruitvale's subdivision servicing bylaw.

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

14.2.3 a roof plan and roof height calculations;

14.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;

14.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional;

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

15. PROFESSIONAL PLAN CERTIFICATION

15.1 The 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 sections 13.1.11, 14.1.10, 14.2.5, and 15.1 of this bylaw are relied upon by the Village of Fruitvale and its building official as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety.

15.2 A building permit issued for the construction of a complex building, or for a standard building for which a building official required professional design pursuant to section 13.2.4 and letters of assurance pursuant to section 13.2.5 of this bylaw shall be in the form prescribed from time to time by the Village of Fruitvale.

- 15.3 A building permit issued pursuant to section 15.2 of this bylaw shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.
- 15.4 When a building permit is issued in accordance with section 15.2 of this bylaw the permit fee shall be reduced by 10% of the fees payable pursuant to Schedule A to this bylaw, up to maximum reduction \$5000.00 (five thousand dollars).

16. FEES AND CHARGES

- 16.1 In addition to applicable fees and charges required under other bylaws, a permit fee calculated in accordance with Schedule F to this bylaw, shall be paid in full prior issuance of any permit under this bylaw.
- 16.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set out in Schedule F to this bylaw.
- 16.2.1 The plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- 16.2.2 An application shall be cancelled and the plan-processing fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of written notification to the owner that the permit is ready to be issued.
- 16.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 16.3 The owner may obtain a refund of the permit fees set out in Schedule A to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
- 16.3.1 the refund shall not include the plan processing fee paid pursuant to section 16.2 of this bylaw; and
- 16.3.2 no refund shall be made where construction has begun or an inspection has been made.
- 16.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A to this bylaw shall be paid prior to additional inspections being performed.
- 16.5 For a required permit inspection requested to be done after the hours during which the offices of the Village of Fruitvale are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule F to this bylaw.
- 16.6 An inspection charge, as set out in Schedule F to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or obtain a report on the status of an existing building or structure for which a permit is sought under this bylaw.

17. BUILDING PERMITS

- 17.1 When:
- 17.1.1 a completed application including all required supporting documentation has been submitted;
 - 17.1.2 the proposed work set out in the application substantially conforms with the Building Code, this bylaw and all other applicable bylaws and enactments;
 - 17.1.3 the owner or his or her representative has paid all applicable fees set out in section 12.1 of this bylaw;
 - 17.1.4 the owners or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
 - 17.1.5 no enactment, covenant, agreement, or regulation in favour of, or regulation of, the Village of Fruitvale authorizes the permit to be withheld;

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

- 17.2 When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the owner provides evidence pursuant to section 30 (1) of the Homeowner Protection Act that the proposed building:

- 17.2.1 is covered by home warranty insurance, and
- 17.2.2 the constructor is a licensed residential builder.

- 17.3 Section 17.2 of this bylaw does not apply if the owner is not required to be licensed and to obtain home warrant insurance in accordance with sections 20 (1) or 30 (1) of the Homeowner Protection Act.

- 17.4 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 of the conditions in (a) or (b) above is not met;
- (d) all permits expire after 36 months for the date of issuance, unless the permit has previously expired or the permit has been renewed in accordance with Section 17.3.

- 17.5 Provision for renewal of permits shall be as follows:
- (a) every application for Permit renewal shall be considered on the basis of the building regulations in effect on the date of the application for renewal;
 - (b) application for renewal must be made prior to expiry of the original permit;
 - (c) the Permit renewal shall be for the same period as the original Permit;
 - (d) no Permit shall be renewed more than once;
 - (e) an additional fee as set out in Schedule 'F' shall be paid for renewal of a Permit under the provisions of this Section;
 - (f) notwithstanding 17.5 (c), when a Permit for a one or two-family dwelling is about to expire under the provisions of 17.4 (d) and the exterior finish of the structure has been completed, the applicant may be granted a renewal at no additional cost.
- 17.6 An incomplete building permit application shall expire 6 months after the date of application.
- 17.7 A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the Village of Fruitvale to demonstrate to the building official that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure has not been issued,
- 17.8 When a site has been excavated and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 17.4, but without the construction of the building or structure for which the building permit was issued having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the Village of Fruitvale to do so.

18. DISCLAIMER OF WARRANTY OR REPRESENTATION

- 18.1 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.

19. PROFESSIONAL DESIGN AND FIELD REVIEW

- 19.1 When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field reviews by means of letters of assurance in the form of Schedules B-1 and B-2 and C-B referred to in section 2.6 of Part 2 of the Building Code.
- 19.2 Prior to issuance of an occupancy permit for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with sections 14.1.10, 14.2.5 or 19.1 of this bylaw, the owner shall provide the Village of Fruitvale 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.
- 19.3 When a registered professional provides letters of assurance in accordance with 13.1.11, 14.1.10, 14.2.5, 19.1 or 19.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the building official in the form of Form "L" to this bylaw.

20. RESPONSIBILITIES OF THE OWNER

- 20.1 Every owner shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 20.2 Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 20.3 Every owner to whom a permit is issued shall, during construction:
- 20.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 20.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 20.3.3 post the civic address on the property in a location visible from any adjoining streets.

21. INSPECTIONS

- 21.1 When a registered professional provides letters of assurance in accordance with sections 13.1.11, 14.1.10, 14.2.5, 19.1 and 19.2 of this bylaw, the Village of Fruitvale will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to section 19.2 of this bylaw as assurance that the construction substantially conform to the design and that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety.

- 21.2 Notwithstanding section 21.1 of this bylaw, a building official may attend the site from time to time during the course of construction to ascertain that the field reviews area taking place and to monitor the field reviews undertaken by the registered professionals.
- 21.3 A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.
- 21.4 The owner or his or her representative shall give at least 72 hours notice to the Building Official when requesting an inspection and shall obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealing it:
- 21.4.1 installation of perimeter drain tiles and damp-proofing, prior to backfilling;
 - 21.4.2 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - 21.4.3 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - 21.4.4 the framing and sheathing;
 - 21.4.5 insulation and vapour barrier;
 - 21.4.6 when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure.
- 21.5 No aspect of the work referred in section 21.4 of this bylaw shall be concealed until a building official has accepted it in writing.
- 21.6 The requirements of section 21.4 of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with sections 13.1.11, 14.1.10, 13.2.5, 19.1 or 19.2 of this bylaw.

22. OCCUPANCY PERMITS

- 22.1 No person shall occupy a building or structure or part of a building or structure until an occupancy permit has been issued in the form of Schedule "O" to this bylaw.
- 22.2 An occupancy permit shall not be issued unless:
- 22.2.1 all letter of assurance have been submitted when required in accordance with sections 13.1.11, 14.1.10, 14.2.5, 19.1 and 19.2 of this bylaw.
 - 22.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 21.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 21.5 of this bylaw.

- 22.3 A building official may issue an occupancy permit for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in section 22.2 of this bylaw have been met with respect to it.

23. RETAINING STRUCTURES

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

25. PENALTIES AND ENFORCEMENT

- 25.1 Every person who contravenes any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- 25.2 Every person who fails to comply with any order or notice issued by a building official, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 25.3 A building official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a Stop Work notice in the form prescribed from time to time by the building official.
- 25.4 The owner of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a building official.
- 25.5 Where a person occupies a building or structure or part of a building or structure in contravention of section 9.4 of this bylaw a building official may post a Stop Work Order notice in the form of Form "O" to this bylaw on the affected part of the building or structure.
- 25.6 The owner of property on which a Stop Work Order notice has been posted, and every person shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of the Building Code and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a building official.
- 25.7 A Building Official may issue an Occupancy Permit for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and meets requirements set out in Section 18.2 of this bylaw.

26. FORMS AND SCHEDULES

26.1 Forms "A" through "O" and Schedule "A" attached to this Bylaw form part of this bylaw.

27. ENACTMENT

27.1 Bylaw 512 and Bylaw 676 are hereby repealed.

27.2 This Bylaw shall come into full force and effect on the final adoption thereof.

READ a first time this 6th day of October, 2003.

READ a second time this 6th day of October, 2003.

READ a third time this 17th day of November, 2003.

RECONSIDERED, FINALLY PASSED and ADOPTED this 2nd day of December, 2003.

Mayor

Administrator

CERTIFIED a true copy of Bylaw No. 698, entitled "Building and Plumbing Bylaw No. 698, 2003".

Administrator



SCHEDULE 'A'

FEE SCHEDULE – VILLAGE OF FRUITVALE

A. BUILDING PERMIT FEES

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

Declared or Assessed Value

The permit fee for the construction, reconstruction, addition, extension, alteration and repair of any buildings or any other work requiring a permit and not specifically listed here;

Minimum fee:\$40.00

\$7.00 per \$1,000.00 or portion thereof.

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

\$10.00 per fixture when issued in conjunction with a Building Permit or

\$10.00 per fixture plus \$75.00 flat rate when issued separately from a building permit.

B. NON-REFUNDABLE APPLICATION FEE

Every permit application shall include a non-refundable application fee:

Actual Permit Fee up to \$10,000.00 of construction cost;

* \$ 50.00 for each application \$10,000.00 to \$50,000.00;

* \$150.00 for each application valued over \$50,000.00.

* This fee will be applied against the cost of the permit.

C. RELATED BUILDING PERMIT FEES

Re-inspection Fee.....	\$75.00
Demolition Fee.....	\$50.00
Moving permit.....	\$75.00
Temporary Building Permit.....	\$75.00**
Mobile Home or Modular Home Placement.....	\$75.00**
Minimum Inspection Fee.....	\$50.00

**Plus construction values of new work on-site such as foundations, basements, additions and plumbing.

D. BUILDING PERMIT RENEWAL

Construction Value up to \$50,000.00.....	\$50.00
Construction Value in excess of \$50,000.00.....	\$2.00/\$1,000

E. BUILDING PERMIT REFUNDS

Where a Permit has been issued pursuant to this Bylaw and construction has not commenced:

- 75% of the permit fee may be refunded upon application for the cancellation of the permit;
- No refund in the amount of less than \$50.00 shall be made.
- Applications for refunds must be received within 12 months of permit issuance.

F. NOTICE ON TITLE

Administrative charge to remove\$200.00



SCHEDULE 'O'
APPENDIX 'B'
TO BY-LAW NO. 698
CERTIFICATE OF OCCUPANCY OF A BUILDING

ISSUED PURSUANT TO SECTION 8.1(d) of BYLAW NO. 698

APPLICANT/OWNER: _____

ADDRESS OF BUILDING: _____

LEGAL DESCRIPTION: _____

APPROVED OCCUPANCY: _____

THIS BUILDING CONSTRUCTED AND UNDER AUTHORITY OF BUILDING PERMIT NO. _____ MAY NOW BE OCCUPIED. IT IS UNLAWFUL TO CHANGE THE CLASS OF OCCUPANCY OF ANY BUILDING OR PART THEREOF WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT FROM THE BUILDING OFFICIAL.

THIS PERMIT MUST BE AFFIXED TO A CONSPICUOUS AND PERMANENT PLACE IN THE SAID BUILDING AND SHALL NOT BE REMOVED.

THE ISSUANCE OF THIS OCCUPANCY PERMIT SIGNIFIES ACCEPTANCE OF THIS BUILDING FOR THE USE INTENDED, SUBJECT TO THE COMPLETION OF ANY OUTSTANDING DEFICIENCIES LISTED HEREIN OR FURTHER REQUIRED BY CONTRACT OR OTHER AGENCIES, AND DOES NOT IMPLY OR WARRANT THAT THE BUILDING COMPLIES IN ALL RESPECTS TO THE CURRENT EDITION OF THE B.C. BUILDING CODE OR PLUMBING CODE.

BUILDING/PLUMBING OFFICIAL

NAME: _____

DATE: _____