

DISTRICT OF INVERMERE

Building By-Law No. 1319, 2007

**Being a bylaw to regulate the construction, alteration, repair, or demolition of
buildings and structures in the DISTRICT OF INVERMERE**

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DISTRICT OF INVERMERE
Building By-Law No. 1319, 2007

WHEREAS *Division 8 of the Community Charter* authorizes the District of Invermere, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by Bylaw;

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

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

NOW THEREFORE THE COUNCIL of the District of Invermere, in open meeting assembled, enacts as follows:

1. Title

1.1 This Bylaw may be cited for all purposes as the “Building By-law No. 1319, 2007”.

2. Definitions

2.1 In this Bylaw:

The following words and terms have the meanings set out in 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, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, plumbing system, 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.

Building Code means the current *British Columbia Building Code* as adopted by the Province of British Columbia and as amended or re-enacted from time to time.

Building Location Survey Certificate means a surveyed plan prepared by a British Columbia Land Surveyor, signed and sealed, indicating the location of buildings or structures in relation to the property lines and or watercourse(s).

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

Complex Building means:

- (a) all **buildings** used for **major occupancies** classified as
 - (i) **assembly occupancies,**
 - (ii) **care or detention occupancies,**
 - (iii) **high hazard industrial occupancies,** and
- (b) all **buildings** exceeding 600 square meters (6,460 sq. ft.) 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.**

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

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

Dwelling Unit means a self-contained set of habitable rooms containing living quarters, sleeping facilities, sanitary facilities and not more than one (1) set of cooking 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 completed to the satisfaction of the building official.

Health and safety aspects of the work means design and construction regulated Division B, Part 3, Division B Part 4, Division B, 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, 9.26, 9.27, 9.31, 9.32, 9.33.5.3, 9.34, 9.35, and 9.36 of Division B, 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 “Mobile Homes” or A277 “Procedure for Certification of Factory Built Houses” but is not designed to be transported on its own wheels or undercarriage.

Owner means a person who has an estate or interest, legal or equitable, in property for which the permit is required and includes a corporation, partnership or party and the personal or other legal representatives of a person to whom the context can apply according to law.

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

Plumbing System means 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.

Retaining Wall means a wall constructed of concrete, steel, treated wood, stone, masonry, or a combination thereof, designed to support, confine, retain or keep in place earth material.

Standard Building means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters (6,460 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 one (1) year, and that has no permanent foundation or **construction** associated with it, other than footings.

2.2 **Non Defined Terms.** Definitions of words or phrases used in this Bylaw that are not specifically defined under Section 2.1 and are not defined under another enactment or the **Building Code** shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

3. Purpose of Bylaw

1.0 This Bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section;

1.1 This Bylaw is enacted and retained for the purpose of regulating construction within the municipal boundaries of the District of Invermere in the general public interest. The activities undertaken by or on behalf of the District of Invermere 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:

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

3.2.2 to the assumption by the District of Invermere 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 any 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** or **plumbing system** 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 District of Invermere 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 District of Invermere 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 all other codes, standards and applicable 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 all other applicable codes, standards and enactments;
- 4.4 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:
 - 5.1.1 the design, construction, and **occupancy** of new **buildings, structures, plumbing systems, and the alteration, reconstruction, demolition, repair of unsafe conditions, removal, relocation, change in class of occupancy, and occupancy** of existing **buildings, structures, and plumbing systems**;
 - 1.0.0 the installation of a new solid fuel burning appliance certified by a recognized agency;
 - 5.1.3 a newly installed new metal chimney certified by a recognized agency;
 - 5.1.4 a newly constructed masonry chimney.
- 5.2 This Bylaw does not apply to:

- 1.0.0 **buildings** or **structures** exempted by Division A Part 1 of the **Building Code** except as expressly provided herein;
- 2.0.0 retaining **structures** less than 1.5 meters (5 ft.) in height;
- 5.2.3 roofless open decks, the use of which are ancillary to that of a building classified as residential occupancy for use as a single family dwelling located on the same parcel and which are less than 600 mm (24 in) above grade to the top of the floor system, and not greater than 10m² (110 sq. ft.);
- 5.2.4 temporary or seasonal plastic, vinyl, or canvas covered structures used as storage facilities;
- 5.2.5 the repair or replacement of a valve, faucet, fixture or sprinkler head, or a stoppage cleared or a leak repaired if no change in piping is required.

6. Prohibitions

- 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any **building** or **structure** unless a **Building Official** has issued a valid and subsisting permit for the work;
- 6.2 No person shall occupy or allow the occupancy of any **building** or **structure**, or part thereof that has been constructed, demolished or altered or has had a change in class of occupancy unless the **owner** has obtained a final inspection or approval in writing from the **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;
- 1.0 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 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 approved design, plans, or specifications of a **building**, **structure**, **plumbing system**, or other works for which a permit has been issued, unless that variance has been accepted in writing by a **Building Official**;

6.6 No person shall obstruct the entry of a **Building Official** or other authorized official of the District of Invermere on property, buildings, structures, or premises in the administration of this Bylaw.

7. Responsibilities of the Building Official

7.1 Each **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 shall retain copies of all documents related to the administration of this Bylaw or electronic copies of such documents;

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, structure or plumbing system** substantially conforms to the requirements of the **Building Code**.

7.2 A **Building Official**:

7.2.1 may enter any land, **building, structure**, or premise 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;

7.2.3 shall carry proper credentials confirming his or her status as a District of Invermere **Building Official**;

7.3 A **Building Official** may order the correction of any work that is being or has been done in contravention of this Bylaw.

8. Applications

8.1 Unless the work is exempted under Section 5.0 of this Bylaw, every person must apply for and obtain a permit before:

8.1.1 constructing, repairing or altering a **building or structure**;

8.1.2 installing, altering, or extending a **plumbing system**;

8.1.3 moving a **building or structure**;

- 8.1.4 demolishing a **building** or **structure**;
- 8.1.5 constructing a masonry fireplace or chimney;
- 8.1.6 installing a wood burning appliance;
- 8.1.7 installing, altering, or extending a sprinkler system;
- 8.1.8 installing, altering, or extending a fire alarm system;
- 8.1.9 installing a swimming pool;
- 8.1.10 constructing or installing a temporary **building** or **structure**;
- 8.1.11 installing an awning, canopy, or marquee;
- 8.1.12 siting a mobile home;
- 8.1.13 changing a class of occupancy in a building.

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

8.3 Each **building**, **structure**, or **plumbing system** to be constructed on a site requires a separate permit and shall be assessed a separate permit fee in accordance with Schedule “A” to this Bylaw.

9. Applications for Complex Buildings

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

9.1.1 be made in the form “prescribed by the District of Invermere” and signed by the **owner**, or a signing officer if the **owner** is a corporation;

9.1.2 be accompanied by the **owner’s** acknowledgment of responsibility and undertakings 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 30 days of the date of the application;

- 9.1.4 include 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;
- 9.1.5 state the intended use of the **building**;
- 9.1.6 include a site plan prepared by a British Columbia Land Surveyor or by a **registered professional** showing:
 - 9.1.6.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.6.2 the legal description and civic address of the parcel;
 - 9.1.6.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 9.1.6.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - 9.1.6.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District of Invermere Approving Officer establish siting requirements related to flooding;
 - 9.1.6.6 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 the **building** or **structure** where the District of Invermere Approving Officer establish siting requirements related to minimum floor elevation;
 - 9.1.6.7 the location, dimension and gradient of parking and driveway access;
 - 9.1.6.8 the **Building Official** may waive the requirements of a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
- 9.1.7 include one copy of specifications and two sets of drawings at a suitable scale of design including:
 - 9.1.7.1 include 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;

9.1.7.2 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;

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

9.1.7.4 include 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**;

9.1.7.5 include 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;

9.1.7.6 include a letter of assurance in the form of Schedule A as referred to in Division C, 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**.

9.1.7.7 include letters of assurance in the form of Schedules B-1 and B-2 as referred to in Division C, 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**;

1.0.0.0 include one copy of the specifications and two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in articles 9.1.7.1-9.1.7.4 of this Bylaw;

9.2 In addition to the requirements of section 9.1, 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:

- 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**, in accordance with the District of Invermere subdivision servicing bylaw;
- 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, structure or plumbing system**.

10. Applications for Standard Buildings

- 10.1 An application for a building permit with respect to a **standard building** shall:
 - 10.1.1 be made in the form “prescribed by the District of Invermere” and signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - 10.1.2 be accompanied by the **owner’s** acknowledgment of responsibility and undertakings 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 30 days of the date of the application;
 - 10.1.4 include 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;
 - 10.1.5 state the intended use of the **building**;
 - 10.1.6 include 2 copies of a site plan prepared by a BC Land Surveyor or a **registered professional** showing:
 - 10.1.6.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - 1.0.0.0 the legal description and civic address of the parcel;

- 10.1.6.3 the location and dimensions of all statutory right of way, easements and setback requirements;
- 1.0.0.0 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
- 10.1.6.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the District of Invermere Approving Officer establish siting requirements related to flooding;
- 10.1.6.6 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 District of Invermere Approving Officer establish siting requirements related to minimum floor elevation;
- 10.1.6.7 the location, dimension and gradient of parking and driveway access;
- 10.1.6.8 the **Building Official** may waive the requirements of a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building or structure**.
- 10.1.7 include one copy of specifications and two sets of drawings at a suitable scale of the design including:
 - 10.1.7.1 include 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.
 - 10.1.7.2 include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - 10.1.7.3 include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;

- 10.1.7.4 include 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**;
 - 10.1.7.5 include 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.
- 10.2 In addition to the requirements of section 10.1, 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 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 architectural, structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
 - 10.2.5 (a) certification by a **registered professional** that the plans identified by the **Building Official**, are in substantial compliance with the **Building Code**, and;

(b) certification by a **registered professional** that the building or components of the building identified by the **Building Official**, has been inspected by the **registered professional** and complies with the plans submitted with the building permit application.
 - 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**, **structure**, or **plumbing system**.

11. Applications for Plumbing Permits

- 11.1 An application in the form “prescribed by the District of Invermere” for a permit to construct, extend, alter, renew or repair a **plumbing system** shall include copies in duplicate of the plumbing drawings and related documents when required by the **Building Official**.
- 11.2 An application for a permit to construct, extend, alter, renew, or repair an automatic sprinkler system shall include copies in duplicate of the plans, specifications, and calculations when required by the **Building Official**.

12. Professional Plan Certification

- 12.1 The letters of assurance in the form of Schedules B-1 and B-2 referred in Division C, Part 2 of the **Building Code** and provided as described in 9.1.7.7, 10.2.5, and 16.1 of this Bylaw are relied upon by the District of Invermere 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;

- 1.0 A building permit issued in circumstances where letters of assurance have been provided as described in 9.1.7.7 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;

“Take notice that the District of Invermere, in issuing the building permit have relied 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 current **Building Code** and other applicable enactments respecting safety of the building or structure”;

- 12.3 When a building permit is issued in accordance with section 12.2 of this Bylaw the permit fee shall be reduced by 10% of the fees payable pursuant to Schedule “A” to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

13. Fees and Charges

- 13.1 In addition to applicable fees and charges required under other bylaws and regulations, a permit fee, calculated in accordance with Appendix “A” to this Bylaw, shall be paid in full upon issuance of any permit under this Bylaw.
- 13.2 An application made for a building permit must be accompanied by the appropriate plan-check deposit fee prescribed in Appendix “A” to this

Bylaw, which is non-refundable and must be credited against the building permit fee when then permit is issued.

- 13.3 An application for a permit shall be cancelled if the permit fee is not paid within 60 days from the date of notification to the applicant that the permit is ready for issuance.
- 13.4 An application for a permit shall be cancelled if the application is incomplete and inactive for 90 days or longer.
- 13.5 When an application is cancelled the plans and related documents submitted with the application may be destroyed.
- 13.6 A re-application for a permit shall be processed as a new application and subject to payment of the permit fees as described in 13.1 of this Bylaw.
- 13.7 The **owner** may obtain a partial refund of the permit fees set out in Appendix “A” to this Bylaw when a permit is surrendered or cancelled within 6 months of issuance and the **Building Official** has certified that construction has not commenced.
- 13.8 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 Appendix “A” to this Bylaw shall be paid prior to additional inspections being performed.
- 13.9 Where a required permit inspection is requested to be done after the hours during which the offices of the District of Invermere 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 Appendix “A” to this Bylaw.
- 13.10 An inspection charge, as set out in Appendix “A” to this Bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing **building** or **structure**.
- 1.0 A damage deposit shall be paid at the time of application for a building permit or a permit for a temporary **building** or **structure** in accordance with Appendix “D” of this Bylaw, the sum of which may be used to cover the cost of the District of Invermere maintaining, restoring, or replacing any public works or public lands which are destroyed, damaged, or otherwise impaired in the carrying out of works on the lot referred to in any building permit held by the applicant.

- 1.1 Damage deposits will be returned upon the District of Invermere Municipal Works Department being satisfied with the repair, replacement and clean up of any water and sewer works, roadways, curbs, gutters, sidewalks, boulevards, and any other Municipal works or property damaged in the course of construction authorized by the permit.
- 13.13 If the repairs, replacement or cleanup described in 13.12 of this Bylaw has not been completed satisfactorily within 60 days of the issuance of an occupancy permit the District of Invermere by its workers or others may carry out and complete the necessary work. Costs incurred by the District of Invermere will be deducted from the damage deposit. Damage deposits for temporary buildings or structures will be refunded when all obligations of the permit are fulfilled.

14. Permit Issuance

14.1 When:

- 14.1.1 a completed application including all required supporting documentation has been submitted;
- 14.1.3 the **owner** or his or her representative has paid all applicable fees set out in section 13 of this Bylaw;
- 14.1.4 the **owner** or his or her representative has paid all charges and met all requirements imposed by any other statute or Bylaw and
- 14.1.5 no covenant, agreement, or regulation of the District of Invermere authorizes the permit to be withheld;
- 14.1.6 the **owner** has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act* or any other enactment;
- 14.1.7 the **owner** has retained an architect if required by the provisions of the *Architects Act* or any other enactment.

a **Building Official** shall issue the permit for which the application is made.

- 14.2 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*, and amendments thereto, that the proposed **building**:

- 14.2.1 is covered by home warranty insurance, and
- 14.2.2 the **constructor** is a licensed residential builder.
- 14.3 Section 14.2 of this bylaw does not apply if the **owner** 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*.
- 14.4 Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
- 1.0.0 the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit;
 - 1.0.1 the work authorized by the permit is discontinued or suspended for a period of more than 12 months from the date of the last inspection by the **Building Official**; or
 - 14.4.2 the work authorized by the permit is not completed within 24 months of issuance of the permit.
- 14.5 A **Building Official** may extend the period of time set out under section 14.4 of this Bylaw where construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.
- 14.6 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 District of Invermere to demonstrate to the **Building Official** that the portion authorized to be constructed substantially complies with this and other applicable Bylaws and enactments 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** had not been issued.
- 1.0 A **Building Official** may issue a building permit to erect or place a temporary **building** or **structure** for up to one year.

1. Disclaimer of Warranty or Representation

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

this 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.

16. 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 a **registered professional** to (a) certify that the design and plans are in compliance with the **Building Code** and (b) inspect the constructed development, or components of the constructed development identified by the **Building Official** and certify that the development or component of the development is in substantial compliance with the plans submitted with the building permit application.
- 16.2 Prior to the issuance of a final inspection notice for a **complex building**, the owner shall provide the District of Invermere with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C, Part 2 of the **Building Code**.
- 16.3 When a **registered professional** provides letters of assurance as described in 9.1.7.7 or 16.2 of this Bylaw, or inspects and certifies compliance as described in 10.2.5 or 16.1 of this Bylaw, he or she shall also provide proof of liability insurance to the *Building Official* in the form of Appendix "C" to this Bylaw.

17. Responsibilities of the Owner

- 17.1 Every **owner** shall 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 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.
- 17.3 Every **owner** to whom a permit is issued shall, during construction:
- 17.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 17.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 17.3.3 post the civic address on the property in a location visible from any adjoining streets.

- 17.4 Every **owner** shall be responsible for determining the qualifications of the professionals he/she engages and that any professional liability insurance that may be available or required for a permit is sufficient to protect the owner against any and all liability arising from the construction.

18. Inspections

- 18.1 When a **registered professional** provides letters of assurance as described in 9.1.7.7, 10.2.5, 16.1, or 16.2 of this Bylaw, the District of Invermere will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 16.2 of 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 and a **Building Official** may attend at a construction site from time to time to determine whether field reviews are occurring and to monitor them.
- 18.2 A **Building Official** may attend periodically at the site of the construction of **standard buildings** and **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.
- 18.3 The **owner**, or his or her representative, shall give at least 48 hours notice to the District of Invermere when requesting an inspection and shall obtain an inspection and receive a **Building Official's** acceptance of the following aspects of the work in **standard buildings** or **structures** prior to concealing them at the following stages of construction:
- 1.0.0 after siting of the building and formwork for the footing and/or foundation wall forms are complete but prior to the placing of any concrete. The building official may require the owner to provide a building location survey certificate if the building setbacks from property lines cannot be adequately or accurately determined;
 - 18.3.2 after removal of formwork from a concrete foundation and installation of the perimeter drain tile and damp proofing is complete but prior to backfilling.
 - 18.3.3 after the building drain and water service pipe has been completed, but prior to backfilling. Testing may be required at this point;

- 18.3.4 when the framing, sheathing of the building are complete including fire stopping, bracing, chimney, duct work and plumbing are complete but before any insulation, lath or other interior or exterior finish is applied which could conceal such work;
 - 18.3.5 when rough in of masonry fireplaces, solid fuel burning appliances, and factory built chimneys is complete;
 - 18.3.6 when the insulation and air/vapour barrier are complete but prior to the installation of any interior finish which would conceal such work;
 - 18.3.7 when the building or structure is substantially complete but prior to any occupancy;
 - 18.3.8 when any deficiencies noted on a previous inspection are rectified but before any interior or exterior finish is applied which would conceal such work; and
 - 18.3.9 when otherwise required by the **Building Official**.
- 18.4 A **Building Official** may only carry out an inspection under section 18.3 of this Bylaw if the owner or the owners agent has requested the inspection.
- 18.5 When required by the **Building Official**, every **owner** shall uncover and replace at his or her own expense any work that has been covered prior to inspection or contrary to an order issued by the **Building Official**.
- 1.0 For the purpose of verifying setback requirements prior to placement of concrete in footings or walls, every **owner** shall provide proof of property boundaries. A survey plot plan prepared by a British Columbia Land Surveyor specifying the location of any buildings or structures shall be provided unless deemed unnecessary by the **Building Official**.
- 1.1 The requirements of Subsection 18.3 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 9.1.7.6, 9.1.7.7, 10.2.5, 16.1 and 16.2 of this Bylaw.

19. Final Inspection Notice

- 19.1 No person shall occupy a **building** or **structure** or part of a **building** or **structure** until a final inspection has been carried out or approval in writing has been received from the **Building Official**.

- 19.2 A **final inspection** notice shall not be issued until:
- 19.2.1 all letters of assurance have been submitted when required as described in 9.1.7.6, 9.1.7.7, 10.2.5, 16.1 and 16.2 of this Bylaw, or
- 19.2.2 all aspects of the work requiring inspection and an acceptance as described in 18.3 of this Bylaw have been inspected and accepted.
- 19.3 A **Building Official** may issue a final inspection notice 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 19.2 of this Bylaw.

1. 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 20.2 of this Bylaw, 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, and any 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. 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. Penalties and Enforcement

- 22.1 Every person who contravenes any provision of this Bylaw commits an offense and shall be 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 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.
- 22.3 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 by the District of Invermere”.
- 22.4 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 by a **Building Official** in writing.
- 1.0 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this Bylaw, a **Building Official** may post a Do Not Occupy notice in the form “prescribed by the District of Invermere” on the affected part of the building or structure.
- 1.1 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**.
- 22.7 The **Building Official** may withhold a permit if, after written notice is given to the **owner**, that:
- 20.5.1 there is a contravention of any condition under which the permit was issued;

20.5.2 the permit was issued in error; or

20.5.3 the permit was issued on the basis of incorrect information.

22.8 Every person who commences work requiring a building permit without first obtaining such a permit shall pay double the value of the permit fee, to a maximum of \$500.00, in addition to the permit fee.

23. Severability

1.0 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.

24. Transition

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

25. Appendices

Appendix “A” through “F” attached to this Bylaw form a part of this Bylaw.

26. Repeal

Invermere Building Bylaw No. 216, 1974; Building Permit Fee and Inspection Charges Amendment Bylaw No. 713, 2001; Building Permit Fee and Inspection Charges Amendment Bylaw No. 1257, 2005; are repealed.

27. Force and Effect

This Bylaw shall come into force and take effect upon its adoption.

Read a First Time this 12th day of June, 2007.

Read a Second Time this 12th day of June, 2007.

Read a Third Time this 12th day of June, 2007.

Adopted on the day of , 2007.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE DISTRICT OF INVERMERE
Appendix “A”
Building By-Law No. 1319

SCHEDULE OF PERMIT FEES AND INSPECTION CHARGES

PLAN CHECK DEPOSIT

Basic Plan Check Deposit	\$25.00
Single Family Dwelling	\$50.00
Multi Family and Buildings Under 600 sq.m.(floor area)	\$100.00
Buildings over 600 sq.m. (floor area)	\$200.00

BUILDING PERMIT FEES

The fees payable for a permit for construction, reconstruction, addition, extension, alteration and repair of any building or structure, temporary building, or any other work requiring a permit shall be as follows:

Basic Fee (unless listed below)	\$60.00
Chimney/Wood-Burning Appliance* (Applicable when not in conjunction with a building permit)	\$15.00
Demolition*	\$25.00
Fire Alarm System* (Applicable when not in conjunction with a building permit)	\$30.00
Moving a Structure*	\$25.00
Temporary Building*	\$25.00
Change in Class of Occupancy*	\$30.00
Canopy & Awnings*	\$30.00
Swimming Pools - Residential Outdoor*	\$30.00

***Inspection charges will pertain.**

INSPECTION CHARGES

Subject to a minimum inspection charge of \$40.00, the following charges are based on the declared value of the new construction and on site work such as foundations, basements, additions and plumbing systems, or as determined by the Building Official, based on evaluation for current construction costs for the area.

For each \$1,000 of construction value or fraction thereof	\$ 8.25
Re-inspection charge	\$40.00
Voluntary and Miscellaneous Inspections	\$60.00 per hour or part thereof
Inspections outside normal business hours	\$120.00 per hour or part thereof

PLUMBING PERMIT FEES

Basic Fee (Applicable when not in conjunction with a building permit)	\$ 35.00
For Each Additional Fixture	\$ 9.00
Automatic Sprinkler System*	\$ 35.00 plus \$1.00/sprinkler head

PENALTIES

Every person who commences work requiring a building permit without first obtaining such a permit shall pay double the value of the permit fee, to a maximum of \$500.00, in addition to the permit fee.

BUILDING PERMIT REFUNDS

Building permit fees may be refunded only upon written request from the owner up to six (6) months from the date of issuance of the building permit subject to the following conditions:

- Up to 50% of the permit fee will be refunded.
- No refund in the amount of less than \$75.00 shall be made.
- The building permit will be cancelled.

NOTICE ON TITLE

Administrative charge to remove	\$100.00
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THE DISTRICT OF INVERMERE
Appendix “B”
Building By-Law No. 1319

OCCUPANCY PERMIT

Civic Address: _____

Legal Description: _____
(Lot, Block, District Lot, Plan)

Folio No. _____

THIS CONSTRUCTION HAS BEEN INSPECTED AND MAY BE OCCUPIED FOR THE PURPOSE INDICATED ON THE BUILDING PERMIT APPLICATION.

“This permit conforms that inspections required by the District of Invermere Building Bylaw have been completed and that no violations of health and safety requirements contemplated by those inspection requirements have been observed. This permit is not a warranty that the subject building complies in all respects with municipal or provincial regulations governing building construction, not that it is without defects.”

Building Official: _____

Date: _____

THE DISTRICT OF INVERMERE
Appendix "C"
Building By-Law No. 1319

REPORT ON PROFESSIONAL INSURANCE

File No. _____

PROJECT:

Described as: _____

Legal Description: _____
(Lot, Block, District Lot, Plan)

Street Address: _____

REGISTERED PROFESSIONAL:

Pursuant to the "District of Invermere" Building Bylaw No. 1319, 2007" the undersigned hereby gives assurance that:

1. I have fulfilled my obligation to obtain professional liability or errors and omissions insurance as outlined in Bylaw No. 1319, 2007.
2. I have attached a copy of my certificate of insurance indicating the particulars of such coverage.
3. I am a registered professional as defined by Division A, Part 1, Section 1.4.1.1 of the BC Building Code.
4. I will notify the Building Official immediately if this insurance coverage is reduced or terminated at any time during the construction of the above noted project.

Name: _____

Company: _____

Mailing Address: _____

_____ Postal Code: _____

Phone: _____ Fax: _____

E-mail: _____

Signature: _____ Date: _____

THE DISTRICT OF INVERMERE
Appendix “D”
Building By-Law No. 1319

Damage Deposits Required Building Permits and Temporary Buildings or Structures

Each building permit with a construction value of between: \$50,000 and \$200,000	\$ 500.00
Each building permit with a construction value between: \$200,001 and \$500,000	\$1,000.00
Each building permit with a construction value over: \$500,000	\$1,500.00

Prior to issuance of a permit to move a building, the applicant shall provide the District of Invermere a security deposit of \$1500.00 in respect to damage to District works or property that may be caused in the course of moving the building and section.

THE DISTRICT OF INVERMERE
Appendix "E"
Building By-Law No. 1319

OWNER'S APPOINTMENT OF AN AGENT

The District of Invermere
914 – 8th Avenue
Invermere, BC
V0A 1K0

Attention: Building Official

Re: Property Address: _____

Legal Description: _____
(Lot, Block, District Lot, Plan)

I am the owner of the above referenced property and hereby authorize:

Agent: _____ (Print Name)

To represent me in an application for (please check where applicable):

- ____ Building Permit
- ____ Demolition Permit
- ____ Plumbing Permit

To view or receive copies of:

- ____ Correspondence and/or Permits
- ____ Permit Plans

To receive a building permit:

____ As the owner of the subject property prior to transfer of title

Owner's Information:

Name: _____ (Print Name)

Address: _____

Telephone: _____

Signature: _____ Date: _____

THE DISTRICT OF INVERMERE
Appendix “F”
Building By-Law No. 1319

OWNER’S UNDERTAKING

Re: Property Address: _____

Legal Description: _____
(Lot, Block, District Lot, Plan)

This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the District of Invermere will rely on same.

I confirm that I have applied for a building permit pursuant to the District of Invermere Building Bylaw No. 1319, and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge and accept the provisions describing the purpose of the Bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.

Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility, whether or not any work to be performed pursuant to the permit applied for is done by me, a contractor or a registered professional, to ensure compliance with the Building Code and the Bylaw.

I am not in any way relying on the District of Invermere or the Building Officials of the District of Invermere, as defined under the Bylaw, to protect the owner or any other persons as set out in Section 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the District of Invermere or its Building Officials.

Owner’s Information:

Name: _____

Address: _____

Telephone: _____ Fax: _____

Date: _____

Signature: _____