

**BUILDING REGULATION BYLAW
NO. 92-081**

**CONSOLIDATED FOR CONVENIENCE TO
INCLUDE BYLAWS 93, 070, 94-017, 94-059, and
2000-316**

April 30, 2001

DISTRICT OF SUMMERLAND

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DISTRICT OF SUMMERLAND

BYLAW NO. 92-081

A Building and Plumbing Bylaw
for the District of Summerland

WHEREAS the Building Regulations of British Columbia apply to the District of Summerland;

AND WHEREAS the Municipal Council may by bylaw regulate construction and related matters, and provide for the administration of the Building Code;

NOW THEREFORE the Municipal Council of the District of Summerland, in open meeting assembled, enacts as follows:

1 DEFINITIONS

1.1 In this Bylaw:

"**Agent**" means a person authorized in writing by an Owner to represent the Owner for the purposes of this Bylaw.

"**Building**" means any structure used or intended for supporting or sheltering any use or occupancy, and includes plumbing.

"**Building Code**" means the British Columbia Building Code established pursuant to the Building Regulations of British Columbia, B.C. Regulation 192/87, as amended or re-enacted from time to time.

"**Building Inspector**" means the person or persons authorized by the Council of the District of Summerland to administer this Bylaw.

"**District**" means the District of Summerland.

"**Lot**" means an area of land designated as a separate and distinct entity on a subdivision plan or description filed in the Land Title Office or surveyed under the Land Act.

"**Occupancy**" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

"**Occupancy Permit**" means a permit issued in accordance with s.13.2 of this

Bylaw.

"**Owner**" means the owner of land and includes a lessee with authority to build on land.

"**Professional Designer**" means a person who is registered in the Province of British Columbia as a member in good standing of the Architectural Institute or the Association of Professional Engineers and Geoscientists of British Columbia.

"**Professional Field Review**" means the inspection of work at a construction site by or under the supervision of a professional designer in order to ascertain that the work conforms to the approved plans for the building, and includes certification of conformance by the professional designer;

"**Professional Plan Certification**" means certification by a professional designer that the plans submitted with an application for a building permit comply with the Building Code and other applicable enactments respecting safety;

"**Qualified Technician**" means an applied science technologist or certified technician who holds a certificate of registration under the Applied Science Technologists and Technicians Act and is competent in the land survey discipline.

"**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.

"**Site**" means a lot or lots upon which structures are constructed or placed or intended to be constructed or placed.

"**Structure**" includes buildings, retaining walls, paving, signs, tanks, swimming pools, docks, wharves, canopies and awnings.

- 1.2 Words or phrases that are not defined in this Bylaw shall have the meaning ascribed to them in the Building Regulations of B.C.
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2. SCOPE AND EXEMPTIONS

- 2.1 This Bylaw applies to all of the area within the District of Summerland.
- 2.2 This Bylaw does not apply to the buildings and structures listed in Section 2 of the Building Regulations of British Columbia B.C. Reg. 192/87 except as expressly provided herein, nor to retaining walls less than 1.22 metres in height.
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3. PROHIBITIONS

- 3.1 No person shall commence or continue any construction, alteration or repair of any building or structure, including excavation or other work related to construction including site preparation and driveway access, unless a valid and subsisting building permit has been issued for the work by the Building Inspector.
- 3.2 No person shall commence or continue the installation or repair or alteration of plumbing, sewers, drains, tanks, pumps and similar works unless a valid and subsisting building permit has been issued for the work by the Building Inspector.
- 3.3 No person shall demolish a building or structure unless a valid and subsisting building permit has been issued for the demolition by the Building Inspector.
- 3.4 No person shall occupy or use any building or structure contrary to the terms of any permit issued or any notice given by a Building Inspector.
- 3.5 No person shall, unless authorized by the Building Inspector, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to any building or structure pursuant to this Bylaw.
- 3.6 No person shall do any work that is at variance with the approved descriptions, plans and specifications of a building, structure, work or thing for which a permit has been issued, unless that variance has been approved in writing by the Building Inspector.
- 3.7 No person shall obstruct the entry of the Building Inspector on property in the administration of this Bylaw.

4. BUILDING INSPECTOR

- 4.1 The Building Inspector shall:
 - 4.1.1 keep records of applications received, permits and orders issued, and inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this Bylaw for a minimum of six years;
 - 4.1.2 subject to Part 10 of this bylaw, establish or require the Owner to establish whether the methods or types of construction and types of materials used in the construction of buildings or structures conform with the requirements of the Building Code.
- 4.2 The requirements of Section 4.1 are internal administrative duties only and create no obligations other than to the Council of the District.
- 4.3 The Building Inspector:

- 4.3.1 may enter any land, building or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of ascertaining that the regulations of this Bylaw are being observed;
- 4.3.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice twenty-four hours in advance of entry; and
- 4.3.3 shall carry proper credentials confirming his or her status as a Building Inspector.
- 4.4 The Building Inspector may order the correction of any work which is being done or has been done in contravention of this Bylaw.
- 4.5 Records kept by the Building Inspector in accordance with s.4.1.1 are the property of the District and shall not be available to the public without the consent of the Building Inspector or the Council.

5. APPLICATIONS

- 5.1 Every person shall apply for and obtain a building permit before excavating for, constructing, repairing, altering, moving or demolishing a building or structure, and before installing, repairing or altering any plumbing, sewers, drains, tanks, pumps or similar works.
- 5.2 An application for a building permit shall:
 - 5.2.1 be made in the form attached as Schedule D to this Bylaw;
 - 5.2.2 be signed by the Owner or Agent;
 - 5.2.3 state the intended use or uses of the building or structure;
 - 5.2.4 include two copies of the specifications and two sets of drawings at a scale of 1/4" to 1 foot or 1:50 including;
 - 5.2.4.1 a site plan showing the following information:
 - 5.2.4.1.1 the dimensions of the parcel taken from the registered plan of subdivision;
 - 5.2.4.1.2 the legal description and civic address of the parcel;
 - 5.2.4.1.3 the location and dimensions of all statutory rights of way, easements and setback requirements;
 - 5.2.4.1.4 the location and dimensions of all existing buildings or structures on the parcel;
 - 5.2.4.1.5 the location of watercourses on or within 20 metres of the parcel;

- 5.2.4.1.6 for residential buildings containing 3 or more dwelling units, commercial and industrial buildings, the location of all services in the roadway fronting the parcel, including pavement surface, ditch line, water connection, sanitary sewer connection and the electrical and telephone connection;
- 5.2.4.1.7 existing and finished ground levels to an established datum at or adjacent to the site;
- 5.2.4.1.8 the location and dimensions of the proposed construction on the site showing the nearest measurement to each parcel boundary;
- 5.2.4.1.9 the location and grade of driveway access including the geodetic elevation of the existing edge of road at the centre line of the proposed driveway access, and all necessary routes for fire fighting;
- 5.2.4.1.10 a directional arrow indicating north.
- 5.2.4.2 floor plans, showing the dimensions and use of all rooms and other areas, the location, size and swing of doors, and location and size of windows;
- 5.2.4.3 cross sections of the building taken at sufficient locations to adequately illustrate all structural details and finishes, including a roof plan and roof height calculation;
- 5.2.4.4 specifications detailing all materials to be used including roof and wall sheathing, roofing materials, siding materials, insulation and vapour barrier details, subflooring, interior finish materials, and species and grade of lumber framing materials;
- 5.2.4.5 copies of approvals required under any enactment relating to health or safety, including without limiting the generality of the foregoing sewage disposal permits and highway access permits;
- 5.2.4.6 such other information as is necessary to illustrate all essential features of the design of the building and to establish compliance with this Bylaw, the Building Code and other bylaws of the District; and
- 5.2.5 state the value of the proposed work.
- 5.3 An application for a building permit for plumbing work shall be accompanied by a plan drawn to scale that shows the proposed work and the location and size of every building drain and of every trap or inspection piece on a building drain, and a sectional drawing showing the size and location of every soil or waste pipe, trap and vent pipe.
- 5.4 No permit is required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or re-arrangement of valves, pipes, or fixtures or hot water tanks.
- 5.5 An application for a building permit for demolition shall be made in writing to the

Building Inspector and shall be signed by the Owner or Agent. An applicant for such permit shall pay the estimated costs of capping off municipal water and sewer services prior to the issuance of the permit.

- 5.6 All plans submitted with permit applications shall bear the name and address of the designer of the building, structure or plumbing.

Bylaw 93-070, adopted September 27, 1993 added the following section:

- 5.7 An application for a building permit may require the inclusion of a State of Title Certificate issued by the Kamloops Land Title Office.

6. APPLICATION FEES

- 6.1 A permit fee calculated in accordance with Schedule B to this Bylaw shall be paid in full prior to the issuance of any permit under this Bylaw.
- 6.2 When professional plan certification is required, the permit fee shall be reduced in accordance with the Schedule of Building Permit Fees shown in the "Fees and Charges" Bylaw.

7. ESSENTIAL SERVICES

- 7.1 No permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided:
- 7.1.1 Road
A road of sufficient strength, grade and width to provide ready access to the building by fire and emergency vehicles at all times.
- 7.1.2 Watermain
A water service or other source of water supply which has been approved under provincial regulations.
- 7.1.3 Sewer
A community sewer or other method of sewage disposal which has been approved under provincial regulations.
- 7.1.4 Storm Drain
An approved method of storm drainage disposal.
- 7.1.5 Electricity
An electrical service approved by the District.

8. PERMITS

8.1 When:

- 8.1.1 a completed application including all required supporting documentation has been submitted;
- 8.1.2 the proposed work set out in the application conforms with the Building Code, this Bylaw and all other applicable bylaws and statutes;
- 8.1.3 the applicant has paid the fee prescribed in The Fees and Charges Bylaw.
- 8.1.4 the applicant has paid all charges and met all requirements imposed by any other statute or bylaw, including, without limiting the generality of the foregoing, District of Summerland Works and Services Bylaw No. 91-051;
- 8.1.5 the applicant has submitted to the Building Inspector signed confirmation and commitment by the owner in the form of Schedule "A" to this Bylaw;

the Building Inspector shall issue the permit for which the application is made, in the form of Schedule D to this Bylaw, by entering the permit number and date and signing the permit application.

8.2 Every permit is issued upon the condition that the permit shall expire and the rights of the Owner under the permit shall terminate if:

- 8.2.1 the work authorized by the permit is not commenced within six months from the date of issuance of the permit; or
- 8.2.2 the work authorized by the permit is not completed within twenty-four months of the date of issuance of the permit;
- 8.2.3 the work authorized by the permit is discontinued or suspended for a period of more than one year from the date of the last inspection by the Building Inspector;

but the Building Inspector may, after referring the written request of the Owner for an extension to the Council, grant such extension.

8.3 The Building Inspector may issue a permit for the construction of a portion of a building before the plans and specifications for the entire building have been approved, provided adequate information has been provided to the Building Inspector to ensure the portion authorized to be constructed complies with this Bylaw and the permit fee applicable to that portion of the building has been paid. The issuance of the permit notwithstanding, the requirements of this Bylaw apply to the remainder of the building, as if the permit had not been issued.

- 8.4 The Building Inspector may revoke a permit where in his opinion the results of tests on materials, devices, construction methods, structural assemblies or foundation conditions contravene the Building Code or the provisions of this Bylaw or both, or where all permits required under this Bylaw have not been obtained.
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9. NO DUTY OF CARE

- 9.1 This Bylaw does not create any duty of care whatsoever on the District, the Council or its members, the Building Inspector, or any employees or agents of the District in respect of:

- (a) the issuance of a permit under this Bylaw;
- (b) the review of drawings, plans and specifications;
- (c) inspections made by the Building Inspector or failure to make such inspections; or
- (d) the enforcement or failure to enforce the Building Code or the provisions of this Bylaw.

- 9.2 Neither a failure to administer or enforce, nor the incomplete or inadequate administration or enforcement, of the Building Code or the provisions of this Bylaw, nor any error, omission or other neglect in relation to the issuance of a permit under this Bylaw, the review of drawings, plans and specifications, or inspections made by the Building Inspector, shall give rise to a cause of action in favour of any person whomsoever, including the Owner.

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

- 9.4 Every permit issued pursuant to this Bylaw is issued on the condition that the Owner or agent signs a release and indemnity, which may be endorsed on the permit, in the following terms:

"In consideration of the granting of this permit, I/we agree to release and indemnify the District, its Council members, employees or agents from and against all liability, demands, claims, causes of action, suits, judgments, losses, damages, costs, and expenses of whatever kind which I/we or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have or incur in

consequence of or incidental to the granting of this permit or any representation, advice, inspection, failure to inspect, certification, approval, enforcement or failure to enforce the District's Building Bylaw or the B.C. Building Code and I/we agree that the District owes me/us no duty of care in respect of these matters. I have read the above agreement, release and indemnity and understand it."

10. PROFESSIONAL DESIGN AND FIELD REVIEW

10.1 Where professional design and field review is required the owner and professionals shall refer to Section 2.6 of the B.C. Building Code.

Schedules A, B-1, B-2, and C shall be completed in conformance with the B.C. Building Code.

10.2 Prior to occupancy of a building that is the subject of Professional Field Review, the professional shall submit the letter of assurance of professional field review and compliance in the form of Schedule C to this Bylaw, incorporating the assurances of the professional designers that:

10.2.1 the Professional Field Review has been completed for all the applicable disciplines; and

10.2.2 the construction of the project conforms with the plans, specifications and related documents for which the building permit was issued.

11. RESPONSIBILITIES OF THE OWNER

11.1 The granting of a permit, approval of drawings and specifications, and inspections made by the Building Inspector shall not relieve the Owner and builder from full responsibility for carrying out the work in accordance with the requirements of this Bylaw and the Building Code, and all other bylaws of the District.

11.2 Every Owner to whom a permit is issued shall be responsible for the cost of repair of any damage to District property or works that occurs in the course of the work authorized by the permit.

11.3 Every Owner or Agent to whom a permit is issued shall, during construction:

11.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit is issued;

11.3.2 keep a copy of the approved drawings and specifications on the property;

11.3.3 post the civic address on the property in a location visible from any adjoining street;

11.3.4 supply a board 60 cm by 60 cm in size on the property for the posting of site inspection reports.

Bylaw 94-017 adopted April 14, 1994 added the following section and renumbered subsequent sections:

12. FIXTURES

12.1 All water closets (Toilets) installed within the District as of July 1st, 1994 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.

12.2 All urinals installed within the District as of July 1st, 1994 shall be of a design that uses no more than three point eight (3.8) litres per flushing cycle;

12.3 All shower heads installed in any building within the District, as of July 1st, 1994 shall be of a design that limits the flow rate to Ten (10) litres per minutes or less;

12.4 All sink faucets installed in any building within the District, as of July 1st, 1994 shall be of a design that limits the flow rate to Nine (9) litres per minute or less.

13. INSPECTIONS

13.1 Every Owner shall give at least 24 hours notice to the Building Inspector prior to the start of work on the building site.

13.2 Every Owner shall give at least 24 hours notice to the Building Inspector requesting an inspection and shall obtain an inspection and receive approval of the work:

Bylaw 93-070 adopted September 27, 1993 amended the following section to read as follows:

13.2.1 after the forms for footings and foundations are complete, and, in the case of buildings or structures located within 0.6 metres (2 feet) of the setbacks required under the District of Summerland Zoning Bylaw No. 2300, and in any case where it is not possible to obtain a sight line along a parcel boundary, after having obtained and submitted a building location certificate, prepared by a registered British Columbia Land Surveyor or a Qualified Technician, or a Registered Professional Engineer, as to the location of footings and foundations in relation to parcel boundaries, but prior to placing any concrete therein;

- 13.2.2 after removal of formwork from a concrete foundation and installation of perimeter drain pipe and damp-proofing but prior to backfilling against the foundation;
 - 13.2.3 after granular base materials, damp-proofing membrane and if applicable, reinforcing steel has been placed for the installation of a concrete floor slab but prior to placing of concrete;
 - 13.2.4 before a water service, building drain, sanitary sewer or storm sewer is covered, and if any part of a plumbing system is covered before it is inspected and approved it shall be uncovered if the Building Inspector so directs; and when the Building Inspector directs the water service, underground building drains, branches, storm drains, and sewers shall be re-tested after the completion of all backfilling and grading by heavy equipment;
 - 13.2.5 when framing and sheathing of the building are complete, including fire-stopping, bracing, chimney duct work, plumbing, gas venting, and wiring, but before any insulation or other interior or exterior finish is applied which would conceal such work;
 - 13.2.6 after all piping and venting is secured, water line is connected and pressure testing completed, but before any finish is applied which would conceal such work;
 - 13.2.7 after the first 3 rows of roofing are in place and after all chimney flashing is secured;
 - 13.2.8 after the smoke chamber of a fireplace has been constructed but before the drip cap is installed;
 - 13.2.9 after the completion of the foundation for a masonry chimney but before masonry work has begun, during construction through combustible framing, and before the drip cap is installed;
 - 13.2.10 after the placing of insulation and vapour barrier but before any interior finish is applied; and
 - 13.2.11 after the building or portion thereof is complete and ready for occupancy, but before any occupancy of the building.
- 13.3 A building location certificate provided in accordance with s.13.2.1 shall show
- 13.3.1 the shortest distances from the outer surfaces of the foundations to the adjacent parcel boundaries;
 - 13.3.2 where the parcel is adjacent to Okanagan Lake, Trout Creek or any other water body, the geodetic elevation of the top of the finished foundation walls or in the case of a dwelling to be constructed on a concrete slab, the geodetic elevation of

the top of the concrete slab.

Bylaw 93-070, adopted September 27, 1993 amended the following section to read:

13.4 Where a building location certificate is prepared by a Qualified Technician, or a Registered Professional Engineer, the person preparing the certificate shall sign and seal the certificate and provide evidence to the satisfaction of the Building Inspector of:

13.4.1 competence in the land survey discipline;

13.4.2 professional errors and omissions liability insurance in the amount of at least one million dollars (\$1,000,000.00); and

Bylaw 93-070 adopted September 27, 1993 amended the following section to read:

13.4.3 membership in good standing in the Applied Science Technologists and Technicians of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia

14. OCCUPANCY INSPECTIONS AND OCCUPANCY PERMITS

14.1 An occupancy inspection is required prior to occupancy of:

14.1.1 every new building;

14.1.2 every existing building which has been altered, added to or partially wrecked or reconstructed; and

14.1.3 every building before any change in the class of occupancy under the Building Code of all or part of the building.

14.2 No person shall occupy a building which requires occupancy inspection until an occupancy inspection has been completed and an occupancy permit in the form of Schedule "E" to this Bylaw has been issued by the Building Inspector.

14.3 Every applicant for an occupancy inspection shall provide the following information prior to occupancy inspection:

14.3.1 written certification in the form of Schedules "C" and "G" to this Bylaw by the Owner, Agent or an architect or engineer that the building or applicable portion conforms to the approved plans and requirements of this Bylaw;

14.3.2 the anticipated date of completion of any work being carried out pursuant to a building permit;

14.3.3 classification of the building as to types of occupancies;

14.3.4 number of stories in the building;

14.3.5 gross floor area of each storey, and allowable live loads for each floor area; and

14.3.6 such other information as may be required to ascertain compliance with this Bylaw.

14.4 Where the Building Inspector has inspected a building or structure for occupancy only, an occupancy permit shall not be taken to imply or certify that the building or structure or any part of it complies with the Building Code.

15. SEWER CONNECTIONS

15.1 In all cases where it is proposed to conduct the waste from plumbing fixtures, trade waste or surface or roof water to a public sewer the Owner shall ensure that such public sewer is at a sufficient depth and of a capacity to receive such discharge; and shall arrange the plumbing to suit the location of the connection provided for the lot.

16. MOVING BUILDINGS

16.1 No person shall move or cause any building to be moved into the District or from one property to another in the District without first obtaining a building permit for the site to which the building is to be moved.

16.2 Every application for a permit to move a building shall designate the site of the building to be moved and the site to which the building is to be moved.

16.3 No building shall be moved to a site within the District unless the building will comply with the safety requirements of the Building Code upon completion of relocation.

16.4 No building permit shall be issued until the applicant for the permit has paid the permit fee prescribed in the Schedule of Building Permit Fees shown in the Fees and Charges Bylaw.

17. TEMPORARY BUILDINGS AND OCCUPANCIES

17.1 Temporary buildings for other than residential occupancy, other than those listed in Section 2 of the Building Regulations of B.C., require a building permit when placed for

a period in excess of 90 days. Prior to placing a temporary building, the owner shall notify the Building Inspector and ascertain compliance with applicable bylaws and enactments.

- 17.2 Where a building permit has been issued for a dwelling, occupancy may be permitted prior to completion provided the building or part thereof complies with the health and safety requirements of this bylaw or any other statute or regulation made pursuant thereto.
- 17.3 Where a building permit has been issued for a dwelling, and construction has commenced, a permit may be issued for the placement of a temporary dwelling on the same lot in the form of a recreation vehicle, or holiday trailer providing the vehicle is equipped with a sewage holding tank or a sewage permit has been obtained from the Health Inspector. The permit shall expire upon occupancy of the dwelling or six months from the date of its issuance, whichever comes first.
- 17.4 An owner wishing to continue to occupy an existing dwelling while constructing another dwelling on the same parcel shall enter into an agreement with the District undertaking to:
- (a) remove the existing dwelling upon completion of the new dwelling; or
 - (b) convert the existing dwelling to a non-residential use to the satisfaction of the Building Inspector upon completion of the new dwelling;

and shall deposit security in the form of a certified cheque or a letter of credit in a form satisfactory to the District, in the amount of twenty-five thousand dollars (\$25,000.00) to guarantee the completion of the work specified in the agreement.

18. RETAINING WALLS

- 18.1 The design and construction of a retaining wall greater than 1.22 metres in height shall be supervised by a Professional Designer. Sealed copies of the design plan and inspection reports prepared by the Professional Designer for all retaining walls greater than 1.22 metres in height shall be delivered to the Building Inspector by the Owner within 10 days of the preparation of the plan and each report.

19. SWIMMING POOLS

- 19.1 Every application for a building permit for a swimming pool shall be accompanied with a plan showing the location, depth and dimensions of the proposed pool and all water

supply piping, waste piping and appurtenances, and all structural detail.

- 19.2 Pool waste water shall be disposed of as approved by the Municipal Public Works Superintendent. The type of disposal proposed shall be approved by the Building Inspector prior to the commencement of any work.

Bylaw 94-059 adopted October 24, 1994 amended the following section to read as follows:

- 19.3 Every swimming pool shall be enclosed within a fence having a minimum height of 1.22m (48 inches) and having no openings greater than 100 mm (4 inches) at their least dimension. All gates to a pool shall be self-latching and self-closing, with the latch mounted on the inside of the gate.
- 19.4 Notwithstanding s.19.3, a pool the rim of which is 1.07 metres or more above the grade of surrounding ground need only be protected by a fence enclosing the ladder or other access points to the pool and conforming to the requirements of s.19.3.
- 19.5 Every fence enclosing a swimming pool shall be maintained by the Owner or occupier of real property in good order. All sagging gates, loose parts, worn latches and locks and broken or binding members shall be promptly replaced or repaired.
- 19.6 No swimming pool shall be located in a setback area required by the District of Summerland Zoning Bylaw No. 2300.
- 19.7 Where a swimming pool is connected to a potable water supply, a backflow prevention device shall be installed in the water supply line.

20. FLOOR LEVEL OF RESIDENTIAL CARPORTS AND GARAGES

- 20.1 Carports or garages attached to residential buildings shall not be constructed with their floor level below the top of the curb or the crown of the pavement of the adjacent District street, unless:
- 20.1.1 the drainage of the driveway serving the carport or garage is connected by gravity to an on-site storm sewer rock pit;
- 20.1.2 the run-off water from the driveway may flow through or past the carport or garage without accumulating and entering into the residence; or
- 20.1.3 the drainage of the driveway serving the carport or garage is designed by a Professional Designer where a storm sewer connection is not available.

21. HEIGHT OF LOWEST FLOOR LEVEL ABOVE GROUND WATER TABLE

- 21.1 When required by the Building Inspector, the owner shall provide a test hole for each project which shall show the depth of ground water. All floor slabs shall be placed a minimum of 600 mm above the established high ground water table and when required by the Building Code the bottom of every exterior foundation shall be drained by drainage tile or pipe laid around the exterior of the foundation, and connected to the District storm sewer if one is available.
- 21.2 The elevation of the underside of a wooden floor system or top of the concrete slab for any area used for habitation, commercial use or storage of goods that may be damaged by flood water shall conform to the requirements of the District of Summerland Zoning Bylaw No. 2300.

22. CLIMATIC DATA

- 22.1 Climatic data for the design of buildings in the District shall be:

January	2 ½%	Design Temperature	-17C.
January	1%	Design Temperature	-20C.
July	2 ½%	Design Temperature, dry bulb	33C.
July	2 ½%	Design Temperature, wet bulb	20C.
Degree days below 18C			3730
15 minute rainfall			10mm
One day rainfall			69mm
Annual total precipitation			317mm
Maximum snow load on the ground	2.1 kPa		
Wind pressures probability		1/10 = 0.34 kPa	
Wind pressures probability		1/50 = 0.47 kPa	
Seismic Data		Sa (0.2) = 0.28	
		Sa (0.5) = 0.18	
		Sa (1.0) = 0.11	
		Sa (2.0) = 0.065	
		PGA = 0.14	
Depth of frost penetration			600mm

23. CANOPIES AND MARQUEES

23.1 Any canopy or marquee projecting over public property shall:

- 23.1.1 be designed by a Professional Designer;
 - 23.1.2 be supported entirely from the structure to which it is attached;
 - 23.1.3 be capable of bearing a live load of not less than one point nine kilonewtons per square metre (1.9 kN/m²);
 - 23.1.4 consist of non-combustible or protected combustible material;
 - 23.1.5 not project over a lane or roadway where a sidewalk or curb does not exist;
 - 23.1.6 be no less than two point five metres (2.5 m) above the sidewalk;
 - 23.1.7 be no less than one metre (1 m) from the curb line of the sidewalk;
 - 23.1.8 not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic, utilities or District works; and
 - 23.1.9 be provided with a gutter, satisfactory to the Building Inspector. The method employed to dispose of the water from the gutter shall be to the satisfaction of the Municipal Public Works Superintendent.
-

24. AWNINGS

24.1 Any awning projecting over public property shall:

- 24.1.1 be constructed on a metal frame supported entirely from the structure to which it is attached;
 - 24.1.2 be not less than two point two metres (2.2 m) above the sidewalk if located greater than one point five metres (1.5 m) from the curb line of the sidewalk nor less than two point five metres (2.5 m) above the sidewalk if located less than one point five metres (1.5 m) from the curb line of the sidewalk;
 - 24.1.3 be no less than one metre (1 m) from the curb line of the sidewalk;
 - 24.1.4 not project over a lane or a roadway where a sidewalk or curb does not exist; and
 - 24.1.5 not interfere with standpipes, fire escapes, traffic lights, traffic signs, traffic, utilities or District works.
-

25. EQUIVALENTS

The provisions of this Bylaw are not intended to limit the appropriate use of materials, equipment, methods of design or construction procedures not specifically authorized herein

provided an equivalent is accepted in writing by the Building Inspector. An owner proposing to provide an equivalent material, appliance, system equipment or method of design or construction not specifically authorized by this Bylaw shall submit to the Building Inspector sufficient evidence to satisfy the Building Inspector that the proposed equivalent will provide the level of performance required by this Bylaw.

26. PENALTIES AND ENFORCEMENT

- 26.1 Every person who violates any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00.
- 26.2 The Building Inspector may order the cessation of any work that is proceeding in contravention of the Building Code, this Bylaw or any bylaw of the District by posting a Stop Work Order in the form of Schedule "F" to this Bylaw on the property on which such work is undertaken.
- 26.3 Every owner of real property on which a Stop Work Order has been posted, and every other person, shall cease all construction work immediately and shall not do any work other than the work referred to in s.26.4 until all provisions of the Building Code and this Bylaw have been fully complied with and the Stop Work Order has been removed by the Building Inspector.
- 26.4 The Owner shall within forty-eight (48) hours of the posting of a Stop Work Order under section 26.2 secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of any statute, regulation or order of the Province or of a provincial agency.
- 26.5 The Stop Work Order referred to in section 26.2 shall remain posted on the premises until the work that is contrary to the Building Code or the bylaw has been remedied to the satisfaction of the Building Inspector.
-

27. SEVERABILITY

- 27.1 If any Part or lesser portion of this Bylaw is held invalid by a court, the invalid portion shall be severed from this Bylaw.
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28. SCHEDULES

28.1 Schedules "A" through "G" attached to this Bylaw form a part of this Bylaw.

29. REPEAL

29.1 "Building Bylaw No. 92.004" is repealed and replaced by this Bylaw.

30. TITLE

30.1 This Bylaw may be cited for all purposes as "District of Summerland Building Regulation Bylaw 92-081".

READ A FIRST TIME this 9th day of November, 1992.

READ A SECOND TIME this 9th day of November, 1992.

READ A THIRD TIME this 9th day of November, 1992.

RECONSIDERED AND FINALLY ADOPTED, this 23rd day of November, 1992.

 'R. J. Shewfelt'
Mayor

 'G. Redlich'
Clerk

SCHEDULE "D"

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NO. 92-081

APPLICATION FOR A BUILDING PERMIT

I, being the owner/agent of owner, apply to _____ a/an
_____(type of building) as shown on the accompanying site plans,
building plans and specifications, submitted in duplicate, on/at:

Site address: _____ Zoned: _____

Lot _____ Block _____ District Lot _____ Plan _____

Roll No. _____

and assume responsibility for ensuring that all work covered by the permit is carried out in accordance with the Bylaws of the District of Summerland, whether such work is sublet, day labour or otherwise. All work and conditions will conform to the District of Summerland Bylaws, the B.C. Building Code and the submitted plans and specifications including any corrections noted by the Building Inspector. Work will not be carried out which departs from attached plans and specifications without prior written approval.

"In consideration of the granting of this permit, I/we agree to release and indemnify the District, its Council members, employees or agents from and against all liability, demands, claims, causes of action, suits, judgments, losses, damages, costs, and expenses of whatever kind which I/we or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have or incur in consequence of or incidental to the granting of this permit or any representation, advice, inspection, failure to inspect, certification, approval, enforcement or failure to enforce the District's Building Bylaw or the B.C. Building Code and I/we agree that the District owes me/us no duty of care in respect of these matters. I/we have read the above agreement, release and indemnity and understand it."

Owner (Print) _____ Tel. _____
Address _____

Agent of Owner (Print) _____ Tel. _____
Address _____

Business Licence Number _____ Expiry Date _____

SCHEDULE "E"

BYLAW NO. 92-081

SCHEDULE "F"

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NO. 92-081

STOP WORK ORDER

SCHEDULE "G"

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NO. 92-081

**OWNER'S CERTIFICATE OF COMPLIANCE FOR
OCCUPANCY INSPECTION**

Date: _____

District of Summerland
Box 159
Summerland, B.C.
VOH 1Z0

ATTENTION: Building Inspector

The undersigned Owner/Agent/Professional Designer certifies that the building located at _____ in the District of Summerland, or that portion of the building described in drawings and specifications attached to this certification,

- () complies with the plans and specifications approved by the District under Building Permit Number _____;
- () conforms to the requirements of the B.C. Building Code and District of Summerland Building Bylaw No. 92-004 with respect to the class of occupancy proposed being [state class of occupancy] _____.

Owner (Print) _____ Tel. _____
Address _____

Agent of Owner (Print) _____ Tel. _____
Address _____
Business Licence Number _____ Expiry Date _____

Professional Designer (Print) _____ Tel. _____
Address _____
Name of Firm _____

Signature of Person Certifying

3464PW