

3. ~~INTERPRETATION~~DEFINITIONS

3.1. In this bylaw, unless the context otherwise requires

“**addition**” means an **alteration** to any building which will increase the total aggregate floor area or the building height (in storeys), and includes the provision of two or more separate buildings with openings between each other for intercommunication;

“**agent**” includes a firm, corporation or other person representing the **owner**, by written designation or contract, and includes a hired tradesperson or constructor who may be granted a **permit** for work within the limitations of their licence;

“**alternative solution**” means an **alternative solution** authorized under the **Building Code**;

“**alteration**” means a change, repair or modification of the **construction** or arrangement of or use of any building or **structure**, or to an occupancy regulated by this bylaw;

“**attached**” with reference to additions means connected to a building by a common footing, foundation and roof system enclosing at least 50% of one exterior wall face of the addition;

“**awning**” means a retractable or non-retractable covering of non-rigid materials such as canvas or similar fabric projecting from the exterior wall of a building;

“**Building Code**” means the British Columbia **Building Code** as adopted by the Minister responsible under Provincial legislation, as amended or re-enacted from time to time;

“**building official**” means the person designated in or appointed to that position by the **District** and other such person or persons as they may designate from time to time as their assistants;

“**Building Permit Security Deposit Policy**” means the District’s **Building Permit Security Deposit Policy** as amended from time to time;

“**canopy**” means a non-retractable hood cover or marquee which projects from the wall of a building. It does not include an **awning**, projecting roof, roof eaves, or enclosed structure;

“**change of use or occupancy**” means changing the use of a building, or portion of a building, to an alternative use, even if no **construction** or **alterations** are anticipated;

“**complex building**” means

- (a) a building used for a major occupancy classified as
 - (i) assembly occupancy;

“**health and safety aspects of the work**” means design and **construction** regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the **Building Code**; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

“**manufactured home**” means a **mobile home** or **modular home** as defined in this bylaw;

“**marquee**” means a roof type **structure** which projects from or above the exterior wall of a building usually over the entrance to a public building such as a theatre on which there is usually a sign;

“**mobile home**” means a **manufactured home constructed** to the requirements of the CSA National Standard CAN/CSA-Z240MH Series-09 or any preceding or replacement standard;

“**modular home**” means a **manufactured home** conforming to the requirements of the CSA National Standard CAN/CSA A277-08 or any preceding or replacement standard for certified factory-built homes;

“**on-site services**” means utilities and features which provide for servicing a **project** within the property on which it is located and includes water service piping and distribution systems, storm and sanitary sewer collection, access roads, natural gas, electric and cable;

“**off-site services**” means services required pursuant to the **District’s** Subdivision and Servicing Bylaw as amended from time to time, that are required to be located on public road, public land or statutory right-of-way at final approval of the subdivision or development as the case may be;

“**owner**” means the registered **owner** of an estate in fee simple of land, or an **agent** duly authorized by the **owner** in writing in the prescribed form, and also where the context or circumstances so require

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in Sections 228 and 229 of the Community Charter; or
- (d) a lessee with authority to build on land;

“**permit**” means permission or authorization in writing by the **building official** to perform **work** regulated by this bylaw and, in the case of a final inspection notice, to occupy a building or part of a building;

“**Plumbing fixture**” means a part that is attached to a system of pipes that carry water through a building and includes, but is not limited to a toilet, water closet, sink, lavatory, bathtub, shower, hot water tank, clothes washer, dishwasher, floor drain, roof drain, water heater, oil and grease interceptor, sump, catch basin, backflow prevention device, fire suppression system sprinkler head, vacuum breaker and any similar appliance which is connected to sanitary drain water supply or internal rain water leader

- (e) installation of plumbing systems;
- (f) alterations and additions to plumbing systems including the installation of solar hot water systems;
- (g) installation and alteration of fire protection sprinkler systems;
- (h) placement or removal of fuel storage tanks;
- (i) installation of **temporary buildings**, including fabric covered **structures**;
- (j) installation or alteration of mechanical exhaust and fire protection systems for commercial cooking equipment pursuant to NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations;
- (k) installation or alteration of spray booths or spray room equipment pursuant to NFPA 33 and wood dust collection to systems to NFPA 664;
- (l) **construction**, installation, or alteration of chimneys or fireplaces;
- (m) installation of solid fuel burning appliances;
- ~~(n) _____~~
- ~~(o) _____~~
- ~~(n) **construction**, additions, or alterations of **on-site services** for **manufactured home parks**;~~
- ~~(o) **construction**, additions, or alterations of **on-site services** for **campgrounds or recreation vehicle parks**;~~
- (p) **construction** or structural repairs of **retaining walls**
 - (i) over 1.22 m in height measured from the lowest grade;
 - (ii) a sequence of retaining walls less than 1.22 m in height but spaced less than two horizontal to one vertical, or
 - (iii) in the opinion of the building official constitutes a potential unsafe condition;
- (q) **construction** of **foundations** for, and installation of, moved buildings;
- (r) ~~**construction of swimming pool fences; construction of swimming pools and swimming pool fences;**~~
- (s) **change use or of occupancy** classification for a building or part of a building;
- ~~(t) **construction of on-site services;**~~

~~(t) construction of on-site services for commercial, industrial, and multi-family residential developments;~~

(u) the moving of buildings into or within the **District**;

(v) **construction** of a new secondary or accessory suite;

(w) any structural change, **alteration**, or repair to any building or **structure**;

(x) demolition of buildings or **structures**;

(y) sign **structures** including free-standing signs, **awnings, canopies, or marquees**;

Item (z) added by Bylaw 1190

~~(z)~~ construction, installation, alternation or removal of a new or existing Driveway.

~~(z)~~(aa) installation or addition of solar energy systems.

unless the **works** are the subject of another valid and subsisting building **permit**.

8.2. Every **owner** must ensure that plans submitted with a **permit** application bear the name, phone number, address and email address of the designer of the building or **structure**.

Owner's Obligations

8.3. Every **owner** must

- (a) comply with the **Building Code**, the requirements of this bylaw and the conditions of a **permit**, and must not omit any **work** required by the **Building Code**, this bylaw, or the conditions of a **permit**;
- (b) ensure that all **permits**, all plans, and specifications and supporting documents on which a **permit** was based, all municipal inspection certificates, and all professional field reviews are available at the site of the **work** for inspection during working hours of the **building official**, and that all **permits** are posted conspicuously on the site during the entire execution of the **work**;
- (c) prior to the issuance of a building **permit**, execute and submit to the **District** an **owner's** undertaking in the prescribed form, where required by the **building official**; and

Item (d) added by Bylaw 1190

- (d) prior to the issuance of a building **permit** under Part 9 of the **Building Code**, satisfy the **building official that** the building or **structure** for which the **permit** is issued will be served by an appropriate fire access route, in accordance with the BCBC or as directed by the building official.

11. BUILDING PERMIT APPLICATIONS REQUIREMENTS**Requirements Before Applying for a Building Permit**

11.1. An application for a building permit, filed with the Building Official, shall:

- (a) be in a form prescribed by the District;
- (b) be signed by the **Owner**;
- (c) be accompanied by the applicable fee as per Fees and Charges bylaw;
- (d) be accompanied by an Owner’s undertaking or letters of authorization, as required;
- (e) state the intended use or uses of the building or part thereof;
- (f) state the true value of the proposed work;
- (g) contain any other information necessary to satisfy the Building Official that when completed, the work and the proposed building or structure will comply with this bylaw, and all other applicable District bylaws;
- (h) except for alteration applications, be accompanied by a current title or State of Title Certificate including any referenced covenants and statutory rights-of-way.

11.2. A building permit shall be issued to the owner, if the Building Official is satisfied that:

- (a) the building or structure which is the subject of a building permit application will comply with this bylaw, all other applicable District bylaws and all other applicable enactments;
- (b) development approval from the District has been obtained, as required;
- (c) where a project impacts or triggers District bylaws such as the Subdivision and Development Servicing Bylaw, or water and sewer regulatory bylaws, approval from the District’s Engineering Department has been obtained, as required; and
- (d) an Owner/Builder Declaration and Disclosure Notice with proof of being a license residential building with coverage by home warranty where required by the Homeowner Protection Act, has been filed.

~~11.1. Prior to the application of a building permit, the **owner** must satisfy the following requirements or conditions:~~

- ~~(a) the **owner** must apply for and obtain a development permit if the building or **structure** is in an area designated by the **District’s** Official Community Plan as a development permit area;~~
- ~~(b) the **owner** must ensure the proposed building or **structure** complies with all bylaws of the **District**, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;~~
- ~~(c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed building or **structure** will be **constructed**, and the subdivision plan must have been registered in the Land Title Office;~~
- ~~(d) the **owner** must provide evidence to the **building official** showing that the person applying for the building **permit** is either the **owner** of the parcel that is the subject of the~~

~~proposed building permit, or is the agent, in which case, the agent must provide the name and contact information of the owner;~~

Requirements Prior to Issuance of a Building Permit

~~11.2. — Prior to the issuance of a building permit, the owner must satisfy the following requirements or conditions:~~

- ~~(a) if the parcel that is the subject of the building permit application is not intended to be connected to the District's sewage disposal system, the owner must apply for and obtain approval from the District and meet the requirements of the BC Public Health Act for an alternate private sewage disposal system;~~
- ~~(b) if the parcel that is the subject of the building permit application is not intended to be connected to the District's waterworks system, the owner must apply for and obtain approval from the District and meet the requirements of the Subdivision and Development Servicing Bylaw for an alternate water supply system, including existing privately owned utilities in the District;~~
- ~~(c) if the parcel that is the subject of the building permit application is not able to provide for a design for on-site storm management, the owner must apply for and obtain approval from the District and meet the requirements of the Subdivision and Development Servicing Bylaw to connect to the District's storm water system; and~~

Added by Bylaw 1190

- ~~(d) the owner must apply for and obtain a Driveway Access Permit in accordance with the Highways Bylaw, as amended from time to time.~~

11.3. The requirements in Section 11.2 are subject to the requirements of the District's Zoning Bylaw and all other applicable enactments, standards, or bylaws.

Building Permit Applications for Complex Buildings

11.4. An application for a building permit with respect to a complex building must

- (a) be accompanied by payment of all applicable application fees as prescribed in the District's bylaws;
- (b) be made in the prescribed form provided by the District and signed by the owner, or a signing officer if the owner is a corporation;
- (c) be accompanied by the owner's acknowledgement of responsibility and undertaking in the prescribed form provided by the District and signed by the owner, or a signing officer if the owner is a corporation;

- (c) **foundation**, after forms for **foundation** walls are completed, prior to placement of concrete;
- (d) backfill, after damp-proofing and **foundation** drainage are in place, prior to backfilling;
- (e) sanitary sewer service, after sewer line is in place and under test, prior to backfilling;
- (f) domestic water service, after the water service lines are in place and water has been turned on, prior to backfilling;
- (g) under-slab plumbing, prior to inspection under Section 11.38 (h), plumbing located below the finished slab level;
- (h) under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation of concrete **foundation** walls are in place, prior to covering;
- (i) installation of rough-in plumbing, when complete and under test, prior to covering;
- (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors, and windows, but prior to the installation of insulation, interior finishes, sheathing paper, or exterior finishes which would conceal such **work**;
- (k) insulation, air, and vapour barrier, after all insulation and vapour barrier is in place, prior to any lath or other interior finish being applied which conceal the **work**;
- (l) on-site constructed tubs or showers and tub or shower trap tests;
- (m) occupancy and final, after the **health and safety aspects of the work** and the conservation, **GHG** emissions reduction and accessibility aspects of the **work** when the building or **structure** is substantially complete, ready for occupancy but prior to occupancy; and

Added by Bylaw 1190

- (n) the location, dimensions and gradient of parking and **Driveway** and access routes for firefighting.
- 11.40. Where required, additional inspections may be required in the following cases:
- (a) **retaining walls** shall be inspected in accordance with Section 13 of this bylaw;
 - (b) moving of buildings shall be inspected in accordance with the requirements of Section 14 of this bylaw.
 - (c) swimming pools fences shall be inspected upon completion and prior to filling the pool with water pursuant to Section 16 of this bylaw;

~~(c) swimming pools and fences shall be inspected upon completion and prior to filling the pool with water pursuant to Section 16 of this bylaw;~~

- (d) **on-site services** shall be inspected in accordance with Section 19 and any other inspections that may be required pursuant to this bylaw;
- (e) **awnings, canopies, or marquees** shall be inspected in accordance pursuant to Section 21 of this bylaw;
- (f) **manufactured home** parks, campgrounds, and RV parks shall require inspections pursuant to Section 22 of this bylaw;

11.41. A building official will only carry out an inspection under Section 11.39 if the owner or agent has requested the inspection online or by phoning the designated inspection line in accordance with this bylaw.

11.42. No person may conceal any aspect of the **work** referred to in Section 11.39 of this bylaw until a **building official** has accepted it in writing.

11.43. For **work** in respect of **complex buildings**, the **owner** must

- (a) give at least 24 hours notice to the **District** online or by phoning the designated inspection line when requesting a pre-**construction** meeting with the **building official** prior to the start of **construction**, and the **owner** or their representative must ensure that the coordinating registered professional, the constructor, as well as representatives of major trades, are in attendance;
- (b) give at least 24 hours notice to the **District** online or by phoning the designated inspection line when requesting a pre-occupancy coordinated by the coordinating registered professional or other registered professional to have the **owner**, the constructor, and the registered professionals demonstrate to the **building official** and **District's** Fire Department the compliance with the **health and safety aspects of the work**, the coordination and integration of the fire and life safety system, applicable **District** requirements and other applicable enactments, standards, or bylaws respecting safety and the conservation, **GHG** emissions, and accessibility aspects of the **work**; and
- (c) cause the coordinating registered professional, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the coordinating registered professional, to deliver to the **building official** the Confirmation of Required Documentation described in the prescribed form provided by the **District**.

Orders and Notices

11.44. The **building official** may issue such written notices or orders as the **building official** considers necessary to inform the **owner** of a contravention of this bylaw.

14.13. Prior to the final occupancy approval for CAN/CSA A277 **modular homes**, the **building official** may require a letter of certification from the manufacturer providing information on assurances the buildings are code compliant.

15. NUMBERING OF BUILDINGS

15.1. Immediately upon issuance of a building **permit** governing the **construction, alteration** or repair of a building, or prior to and during occupancy of a building, the **owner** or occupant must display the address number assigned to it by the **District**

- (a) on or over the entrance to the building or, where landscaping or **structures** obscure the visibility of a building entrance from the adjacent highway, on the building property within sight of the adjacent highway; and
- (b) until such time as the building is removed from the site or has been demolished.

15.2. Despite Section 15.1 the **District Engineer** may renumber or alter the assigned numbers in respect of any building or any parcel, including those already in existence or numbered.

15.3. Without limiting Sections 15.1 or 15.2, a **building official** must, on the issuance of a building **permit**, designate a house number or set of house numbers related to the building authorized by the **permit**. The **owner** or occupier must post the number or numbers on the site immediately after obtaining the building **permit** and keep the numbers posted in a conspicuous location at all times during **construction**.

15.4. Without limiting Sections 15.1 through 15.3, on issuance of an occupancy **permit**, the **owner** or occupier of the parcel must affix the numbers permanently in a conspicuous place on the building such that the number is visible from an adjacent highway that is not a lane.

16. SWIMMING POOLS

16.1. Swimming pools must be enclosed by a fence that:

- (a) is constructed without footholds or grips that children may use to climb into the enclosed area;
- (b) is a minimum height of 1.22 m ;
- (c) does not have openings greater than 100mm;
- (d) is constructed of chain link material, solid material with a flat vertical surface or vertically oriented material.
- (e) is in place, inspected and approved prior to placing the water in a swimming pool;
- (f) is closed and locked when not in use.

16.2. Where a pool is located above ground and has vertical sides at least 1.22 m, access may be protected by way of a child resistant, self-closing, self-latching gate on the access ladder;

16.3. Access to a swimming pool may be directly from a dwelling if the dwelling is on the same property.

~~16.1. Without limiting Section 2.3 of this bylaw, a person must not construct, or structurally repair, a **swimming pool** without a valid building **permit**.~~

~~16.2. Every application for a building **permit** to construct a **swimming pool** shall;~~

- ~~(a) be accompanied by payment of all applicable application fees as prescribed in the **District's** bylaws;~~
- ~~(b) be made in the prescribed form provided by the **District** and signed by the **owner**, or a signing officer if the **owner** is a corporation;~~
- ~~(c) be accompanied by a plan showing:

 - ~~(i) the location of the proposed **swimming pool** in relation to all **existing** buildings on the property and the property boundaries;~~
 - ~~(ii) the location of the accessory building housing the **swimming pool** equipment in relation to all **existing** buildings on the premises and the property boundaries;~~
 - Deleted and replaced by Bylaw 1190*
 - ~~(iii) the water supply and proposed method of drainage in accordance with applicable District bylaws, including but not limited to the Sanitary Sewer Regulation and Rate Bylaw, Storm Water Management Bylaw and the Subdivision and Development Servicing Bylaw, as amended from time to time;~~~~
- ~~(d) include the type of **construction** for the pool and the proposed method of enclosure of the pool area;~~
- ~~(e) approval of design from the Local Health Authority having Jurisdiction, if the pool is accessible for public use.~~

Professional Design

~~16.3. In accordance with Section 10.3 of this Bylaw, professional design and field reviews may be required, subject to the complexity of the design and condition of soils where the pool is to be located.~~

Swimming Pool Fencing

~~16.4. A **swimming pool**, including a spa or hot tub, must be enclosed within a fence **constructed** without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22m and no openings greater than 100mm at their greatest dimension.~~

~~16.5. Where the access to the **swimming pool** is from a dwelling located on the same property as the **swimming pool**, the access may be directly from the dwelling.~~

~~16.6. — The fence or equivalent barrier referred to in Section 16.4 shall be of chain link type material, solid material with a flat vertical surface, or vertically oriented material.~~

~~16.7. — A **swimming pool** fence or equivalent barrier shall be in place, inspected, and approved prior to placing the water in a **swimming pool**.~~

Swimming Pool Gate

~~16.8. — Access through a fence enclosing a **swimming pool**, spa or hot tub must be only through a self-closing and self-latching gate designed and **constructed** or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the **swimming pool**, spa, or hot tub side of the gate.~~

~~16.9. — All openings or gates in the fence or barrier shall be locked closed when not in use.~~

Spa or Hot Tub Lid

~~16.10. — In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.~~

Above Ground Swimming Pools

~~16.11. — A **swimming pool** which is located above ground and has vertical sides of at least 1.22m may be protected from access by fencing the access ladder to limit access, with a child resistant self-closing and self-latching gate through the fence.~~

Maintenance

~~16.12. — A person may not place water in, use, or occupy a **swimming pool**, including a spa or hot tub, unless the **owner** or occupier of property on or in which a **swimming pool**, spa, or hot tub is located maintains every fence or cover required under Sections 16.4 to 16.9 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks, or broken or binding members.~~

~~16.13. — Deleted by Bylaw 1190~~

Leaks or Other Failures

~~16.14. — A person may not obtain a valid and subsisting building **permit** for, or use or occupy, a **swimming pool** without first delivering to the **building official** at the time of the building **permit** application an opinion of a registered professional that the design of the **swimming pool** will not cause or result in leaks or other failures of the **swimming pool**.~~

17.

~~17. ENERGY CONSERVATION AND GHG EMISSIONS REDUCTION~~

~~17.1. — In relation to the conservation of energy and the reduction of GHG emissions, the District incorporates by reference the Step Code as outlined in the Building Code in accordance with Sections 17.2 through 17.3.~~

~~17.2. — A building regulated by Part 9 of the Building Code, of new residential construction, must be designed and constructed to meet the minimum performance requirements specified in~~

~~(a) Step 1 of the Step Code as of April 1, 2019 for all Part 9 buildings;~~

~~(b) Step 2 of the Step Code as of October 1, 2020 for~~

~~(i) Accessory Suites;~~

~~(c) Step 3 of the Step Code as of October 1, 2020 for~~

~~(i) Single Detached Housing;~~

~~(ii) Duplex Housing;~~

~~(iii) Three-plex Housing;~~

~~(iv) Four-Plex Housing;~~

~~(v) Rowhousing; and~~

~~(vi) Low Rise Apartment Housing;~~

~~(d) Step 3 of the Step Code as of January 1, 2022 for~~

~~(i) Accessory Suites.~~

~~17.3. — Permits issued on or after the date of adoption of this bylaw for any dwelling which achieves Step 3, 4 or 5 of the Step Code will be eligible to receive a rebate as outlined in the District's Fees Bylaw.~~

18. ACCESS ROUTE FOR FIRE VEHICLE – deleted by Bylaw 1190

19.

~~19. ON-SITE SERVICES~~

~~19.1. — On-site services shall be designed and their construction carried out under the supervision of a registered professional.~~

~~19.2. — A registered professional conducting a site service **project** shall complete required forms prior to the issuance of the occupancy **permit**.~~

~~19.3. — As a condition of the issuance of a building **permit**, the **owner** shall provide works and **off-site services** in accordance with all the **District's** bylaws.~~

~~19.4. — In the areas where the **construction** of a building is of a lower elevation than the **District** street adjoining the property, the building must be **constructed** so as to prevent any surface drainage from the streets, roads, boulevard or **District** property to enter the carport, garage, or any other area of the building or property that could be damaged by such surface drainage.~~

~~19.5. — The **owner** shall obtain approval of the **District** for all access and egress driveways, sidewalks, and crossovers prior to obtaining a building **permit**.~~

~~19.6. — Where it is proposed to conduct waste to a sanitary sewer, or surface or roof water to a storm sewer, the **owner** or **agent** shall ensure that such service is of sufficient capacity to receive such discharge, and also arrange the connection to suit the location and the depth of the connection provided to the property by the **District**.~~

~~19.7. — The **owner, agent,** or contractor shall design and install required water meters in accordance with **District** policies or bylaws, as amended from time to time. Installing a bypass to the water meter is prohibited.~~

~~19.8. — The **owner, agent,** or contractor shall extend the sewer cleanout and curb stop at the property line to finished grade.~~

~~19.9. — The installation of grease traps and interceptors shall, in addition to the requirements of the **Building Code**, be installed and maintained in accordance with **District** policies or bylaws, as amended from time to time.~~

20.

20. CLIMATIC DATA

~~20.1. — The climatic data for the design of buildings in the **District** shall be the data listed in the current edition of Division B Appendix C to the **Building Code** for Kelowna, British Columbia except~~

- ~~(a) — for elevations higher than 1,200m above sea level, the ground snow load shall be based on investigations made for that specific site.~~

21. AWNINGS, CANOPIES, OR MARQUEES

21.1. Any **awning, canopy, or marquee** projecting over public property shall

- (a) be designed by a registered professional;