

# Office Consolidation

## BUILDING AND PLUMBING BYLAW 99-50

### TABLE OF CONTENTS

SHORT TITLE.....	1
SCOPE.....	1
DEFINITIONS .....	1
GENERAL REQUIREMENTS .....	3
EXEMPTIONS.....	4
APPLICATION FOR PERMIT .....	4
APPROVAL IN PART.....	5
PERMITS .....	5
PERMIT FOR A TEMPORARY BUILDING .....	7
BUILDING INSPECTION OR REVIEW .....	7
INSPECTION AND TESTING OF PLUMBING SYSTEMS.....	7
PROHIBITIONS.....	8
OBLIGATIONS OF OWNER .....	9
OBLIGATIONS OF CONSTRUCTOR .....	11
OBLIGATION OF AUTHORITY HAVING JURISDICTION.....	11
POWERS OF AUTHORITY HAVING JURISDICTION .....	12
APPEALS.....	14
ADDITIONAL REQUIREMENTS.....	14
PENALTIES .....	17
REPEAL .....	17
COMING INTO FORCE .....	18

# Office Consolidation

## CITY OF WHITEHORSE

### Bylaw 99-50

A bylaw to administer standards respecting the construction, demolition, removal, or alteration of any building or structure within the City of Whitehorse

---

WHEREAS section 265 of the *Municipal Act* (1998) provides that Council may, subject to the *Building Standards Act*, pass bylaws for municipal purposes respecting building standards or codes, and regulation of the construction, demolition, removal, or alteration of any building or other structure, and

WHEREAS section 265 of the *Municipal Act* provides that Council may by bylaw provide for protection of persons and property including fire protection, and (*Bylaw 2007-27, 2007-06-25*)

WHEREAS section 266 of the *Municipal Act* provides that Council may by bylaw provide for a system of licences, inspections, permits, or approvals, including establishing fees for the activity authorised, and

WHEREAS sections 2.1 and 2.4 of the *Building Standards Act* adopt a building code for all of the Yukon Territory and provides that Council may by bylaw enforce the code with inspectors appointed by the municipality;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### SHORT TITLE

1. This bylaw may be cited as the “**Building and Plumbing Bylaw**”.

#### SCOPE

2. This bylaw applies to the design, construction and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings.
3. The building code which applies to all work regulated by this bylaw within the City of Whitehorse is that prescribed by the *Building Standards Act* and the Regulations thereto.

#### DEFINITIONS

4. The words and terms used in this bylaw shall have the meanings prescribed in the *National Building Code of Canada*.
5. Definitions of words and phrases used in this bylaw that are not specifically defined in the *National Building Code of Canada* 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 specialised use of terms within the various trades and professions to which the terminology applies.

## Office Consolidation of Building and Plumbing Bylaw 99-50

---

“AGENT” means a person, firm or corporation authorised by the owner through designation, contract or otherwise, and includes a hired trades-person, constructor or contractor.

“AUTHORITY HAVING JURISDICTION” means an Inspector appointed by the City of Whitehorse to enforce the *Building Standards Act* and this bylaw, the employees of the City of Whitehorse, or both.

“CANADIAN STANDARD” as referred to in section 82(1) of this bylaw means the Performance Testing of Solid-Fuel-Burning Stoves, Inserts, and Low-Burn-Rate Factory Built Fireplaces CAN/CSA-B415.1-92 standard published by the Canadian Standards Association, as amended from time to time.

“COMMERCIAL” means construction not defined as residential in the *National Building Code*. (*Bylaw 2014-24, June 9, 2014*)

“CONSTRUCTOR/CONTRACTOR” means a person who contracts with an owner or his authorised agent to undertake a project, and includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof.

“DEVELOPMENT OFFICER” means a City official appointed by Council to interpret, administer, and enforce the provisions of the City Zoning Bylaw.

“FEES AND CHARGES BYLAW” means the City of Whitehorse Fees and Charges Bylaw as amended from time to time.

“EMERGENCY SERVICES BYLAW” means the City of Whitehorse Emergency Services Bylaw as amended from time to time. (*Bylaw 2013-43, August 12, 2013*)

“FIRE SMART PRIORITY ZONES” mean forest fuel modification areas as described in the Yukon Government Fire Smart Manual.

“NATIONAL BUILDING CODE” means the current edition as adopted by the *Building Standards Act*.

“NATIONAL FIRE CODE” means the current edition of the National Fire Code as produced by National Research Council.

“OCCUPANCY APPROVAL” means approval in writing from the authority having jurisdiction to occupy all or part of a building in compliance with this bylaw.

“ORDER” means a direction in writing from the authority having jurisdiction to comply with the requirements of this bylaw.

“PERMIT” means an authorisation in writing issued by the authority having jurisdiction to perform work regulated by this bylaw.

“RESIDENTIAL” is defined as per the *National Building Code*. (*Bylaw 2014-24, June 9, 2014*)

## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

“SEWER AND STORM UTILITY BYLAW” means the City of Whitehorse Sewer and Storm Utility Bylaw as amended from time to time. (*Bylaw 2014-24, June 9, 2014*)

“TEMPORARY BUILDING” means a building or part thereof which, because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the requirements.

“US STANDARD” as referred to in section 82(1) of this bylaw means the New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-92 Edition), published by the United States Environmental Protection Agency.

“VALUE OF CONSTRUCTION” means the estimated complete cost to construct buildings in the city, excluding costs such as electrical related to work not under the authority of the City of Whitehorse. As deemed necessary by the authority having jurisdiction, costs provided by an applicant may be revised. (*Bylaw 2014-24, June 9, 2014*)

“WATER UTILITY BYLAW” means the City of Whitehorse Water Utility Bylaw as amended from time to time. (*Bylaw 2014-24, June 9, 2014*)

“ZONING BYLAW” means the City of Whitehorse Zoning Bylaw as amended from time to time.

### **GENERAL REQUIREMENTS**

6. Unless a valid and subsisting permit has been issued by the authority having jurisdiction, no person shall:
  - (1) commence or continue any work relating to building, or alter any part of a building or structure;
  - (2) demolish the whole or any part of a building; or
  - (3) relocate the whole or any part of a building within or into the City of Whitehorse.
7. When a building is damaged by fire, earthquake or other cause, this bylaw and the appropriate regulations in the Emergency Services Bylaw shall apply to the work necessary to reconstruct damaged portions of the building.
8. When an unsafe condition exists in or about a building, this bylaw and the appropriate regulations in the Emergency Services Bylaw shall apply to the work necessary to correct the unsafe condition.
9. No person shall change the occupancy or use of a building without obtaining from the authority having jurisdiction an Occupancy Approval which allows for the change of occupancy or use.

# Office Consolidation of Building and Plumbing Bylaw 99-50

---

## **EXEMPTIONS**

10. This bylaw does not apply to:
  - (1) sewage, water, electrical, telephone, rail or similar utility systems located on or in a street or a public right-of-way,
  - (2) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings,
  - (3) flood control and hydro-electric dams and structures,
  - (4) mechanical or other equipment and appliances not specifically regulated in this bylaw, and
  - (5) accessory buildings not greater than 10m<sup>2</sup> in building area provided they are not intended for occupancy and do not create a hazard.

## **APPLICATION FOR PERMIT**

11. To obtain a permit the owner or his agent shall file an application in writing with the authority having jurisdiction. Such application shall be on a prescribed form adopted for use by the authority having jurisdiction.
12. Except as otherwise allowed by the authority having jurisdiction, every application shall:
  - (1) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
  - (2) describe the land on which the work is to be done by a description that will readily identify and locate the building lot;
  - (3) include plans and specifications in a form and containing such detail as is required by the authority having jurisdiction, and show the occupancy of all parts of the building;
  - (4) state the valuation of the proposed work and be accompanied by the required fee; and
  - (5) state the names, addresses and telephone numbers of the owner, architect, engineer or other designer and constructor.
13. For the purpose of determining fees for proposed work, the authority having jurisdiction shall determine the value of the work.
14. When an application for a permit has not been completed in conformance with this bylaw within six months after the date of filing, the application may be deemed to have been abandoned.

## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

15. A permit shall expire and the right of an owner under the permit shall be terminated if:
  - (1) the work authorised by the permit is not commenced within six months from the date of issue of the permit and actively carried out thereafter; or
  - (2) work is suspended for a period of 12 months.
16. Any revision to the original application described in section 12 of this bylaw shall be made in the same manner as for the original permit.

### **APPROVAL IN PART**

17. Where in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the authority having jurisdiction.
18. The authority having jurisdiction may issue a permit for the construction, renovation or demolition of part of a building. Such permit is valid only for that portion of the building for which it is granted. A further permit is required in relation to any work for that portion of the building which is not covered by the initial or preceding permits. The granting of a permit for part of a building does not obligate the authority having jurisdiction to issue a building permit for the remainder of the building, unless the authority having jurisdiction is satisfied that such work will be carried out in accordance with this bylaw and the laws of general application.

### **PERMITS**

19. The authority having jurisdiction may issue an Occupancy Approval if satisfied that the building or structure so inspected complies in all respects with the provisions of this bylaw and any other laws of general application.
20. Where a change in the occupancy classification of a building or portion thereof is proposed, an Occupancy Approval may be issued by the authority having jurisdiction provided that, for the occupancy intended, the building or structure complies in all respects to the provisions of this bylaw and the laws of general application.
21. The authority having jurisdiction may issue an Occupancy Approval with conditions. In the event that the conditions are not met within the time specified in the Occupancy Approval or, if no dates are specified for the fulfilment of the conditions, within a reasonable time under the circumstances, occupancy of the building, or that portion to which the Occupancy Approval applies, shall cease forthwith.

## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

22. Except as provided in section 22(1) of this bylaw, a plumbing system shall not be constructed, extended, altered, renewed or repaired or a connection made to a sewer unless a plumbing permit to do so has been obtained.
- (1) A plumbing permit is not required when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared or a leak repaired if no change to the piping is required.
23. The permit fees on all procedures and conditions applicable thereto shall be as prescribed by this bylaw and in the City of Whitehorse Fees and Charges Bylaw, and in accordance with such policies and procedures as are adopted from time to time by the authority having jurisdiction.

Without limiting the generality of the foregoing, the following shall apply:

- (1) Permit fees may be refunded, as specified in the Fees and Charges Bylaw, only upon written request of the applicant, up to six months after the date of issue subject to the following condition:
- (a) no permit related work has commenced.
- (2) No person shall move a building or structure other than a CSA Z240 Standard or A277 Standard certified unit and its additions without first obtaining a Development Permit from the Development Officer.
- (3) No person shall demolish or move a building or any part of a building without first paying any outstanding taxes on the property the building is situated on.
- (4) No person shall demolish or move a building or part of a building listed in the Whitehorse Heritage Buildings Register prior to a thirty (30) day review period following the date the Building Inspection Department has received a demolition permit application for such building.
- (5) No person shall demolish or move a building or part of a building without first paying, in addition to the prescribed permit fee, a deposit as specified in the Fees and Charges Bylaw. The full amount of the deposit shall be returned if all the conditions of the permit have been met in the time specified on the permit and the site is left in a clean and safe condition.
- (6) No permit for a temporary building shall be issued for a period exceeding nine (9) months.
- (7) A deposit in the amount specified in the Fees and Charges Bylaw is required, in addition to the permit fee, to obtain a building permit for a temporary building. The full amount of the deposit shall be refunded if the conditions of the permit have been met within the time specified and the site is left in a clean and safe condition.
24. When an occupancy approval is issued for a tent or air-supported structure, it shall be subject to renewal every 12 months.

# **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

## **PERMIT FOR A TEMPORARY BUILDING**

25. Notwithstanding anything contained elsewhere in this bylaw, a permit for a temporary building may be issued by the authority having jurisdiction. Such permit shall authorise for a limited time only the erection and existence of a building, or part thereof, for an occupancy which, because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the requirements.
26. A permit for a temporary building shall state the date on which it expires. Once the permit expires, the conditions under which the permit was issued are no longer valid.
27. A permit for a temporary building may be extended provided permission in writing is granted by the authority having jurisdiction.
28. A permit for a temporary building shall be posted on the building.

## **BUILDING INSPECTION OR REVIEW**

29. Any person responsible for inspection or review of the work shall, upon request, make copies of all inspection or review reports available to the authority having jurisdiction.

## **INSPECTION AND TESTING OF PLUMBING SYSTEMS**

30. Where a plumbing permit is required, the plumbing system shall not be put into use until it has been inspected and tested to the satisfaction of the authority having jurisdiction.
31. The contractor shall notify the authority having jurisdiction when the work is complete and ready to be inspected or tested. The contractor must provide 48 hours notice for an inspection request.
32. The contractor shall furnish any equipment, material, power or labour that is necessary for inspection or testing.
33. If any part of a plumbing system is covered before it has been inspected and accepted by the authority having jurisdiction, it shall be uncovered at the owner's expense if the authority having jurisdiction so directs.
34. If any part of a plumbing system is not accepted by the authority having jurisdiction after it has been inspected or tested, the owner or contractor shall make any alteration or replacement that is necessary, and the work shall be subjected to further inspection or testing.
35. The authority having jurisdiction may inspect an existing plumbing system and, where there is reason to suspect that the system is not satisfactory, order it to be tested.



## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

36. If any part of the plumbing system has become or is in a condition that it may become dangerous or injurious to health, the owner shall make any alteration or replacement ordered in writing by the authority having jurisdiction.
37. When a plumbing system has been completed and has been accepted by the authority having jurisdiction, the authority having jurisdiction shall issue an inspection report confirming approval to the owner and/or the contractor. (*Bylaw 2013-43, August 12, 2013*)

### **PROHIBITIONS**

38. No person shall:
  - (1) fail to comply with an order or notice issued by the authority having jurisdiction, or allow a violation of this bylaw to continue once having received notice of such violation.
  - (2) work or authorise or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.
  - (3) deviate from the plans and specifications forming a part of the building permit, or omit or fail to complete, prior to occupancy, work required by the said plans and specifications accepted by the authority having jurisdiction, without first having obtained in writing the approval of the authority having jurisdiction to do so.
  - (4) occupy or allow the occupancy of any building, or part thereof, unless the owner has obtained an Occupancy Approval from the authority having jurisdiction.
  - (5) cause, allow or maintain any unsafe condition in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building.
  - (6) excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without approval having first been obtained in writing from the appropriate authority.
  - (7) allow the ground elevations or the property boundaries of a building lot to be changed so as to place a building, or part thereof in contravention of this bylaw.
  - (8) submit false or misleading information to the authority having jurisdiction.
  - (9) interfere with or obstruct the entry of the authority having jurisdiction while such authority is discharging its duties to administer and enforce this bylaw.

## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

- (10) repair a building damaged by fire, decay, storm or otherwise to an extent greater than 75% of its assessed value upon its foundations unless in every respect the whole of the building is made to comply with the *Building Standards Act* or this bylaw.

### **OBLIGATIONS OF OWNER**

39. Every owner shall ensure that the plans and specifications on which the issue of the building permit was based are available at the site of the work for inspection during working hours by the authority having jurisdiction, and that the permit, or a true copy thereof, is posted conspicuously on the site during the entire execution of the work.
40. Every owner shall allow the authority having jurisdiction to enter any building or premises at any reasonable time for the purpose of administering or enforcing this bylaw, or if there is reason to believe an unsafe condition exists.
41. Every owner shall give notice to the authority having jurisdiction of the dates on which he intends to begin work prior to commencing work on the building site.
42. Every owner shall, prior to commencing the work, give notice in writing to the authority having jurisdiction of:
  - (1) the name, address and telephone number of:
    - (a) the constructor or other person in charge of the work;
    - (b) the suitably qualified person reviewing the work; and
    - (c) any inspection or testing agency engaged to monitor the work; and
  - (2) any change in or termination of employment of such persons during the course of the construction as soon as such change or termination occurs.
43. Every owner shall give forty-eight hours (48) notice to the authority having jurisdiction:
  - (1) of intent to do work that has been ordered by the authority having jurisdiction or required by this bylaw to be inspected during construction;
  - (2) of intent to cover work that has been ordered by the authority having jurisdiction or required by this bylaw to be inspected prior to covering; and
  - (3) when work has been completed so that a final inspection can be made.
44. The following stages of work are required to be inspected and approved prior to continuing or covering:
  - (1) Siting and Foundation/Water and Sewer Service
  - (2) Foundation and Damp-proofing/Plumbing Rough-in Under Slab
  - (3) Framing, Insulation and Vapour Barrier/Rough-in with Test On
  - (4) Chimney, Heating and Mechanical Systems/Water Turn On and Frost Protection
  - (5) Occupancy and/or Final/Final Plumbing

## Office Consolidation of Building and Plumbing Bylaw 99-50

---

45. Every owner shall give notice in writing to the authority having jurisdiction:
  - (1) as soon as any change in ownership or change in the address of the owner occurs prior to the issuance of an occupancy permit; and
  - (2) prior to occupying any portion of the building if it is to be occupied in stages.
46. Every owner shall make or have made at his own expense the tests or inspections necessary to prove compliance with this bylaw and shall promptly file a copy of all such test or inspection reports with the authority having jurisdiction.
47. Every owner shall provide an up-to-date survey of the building site when and as required by the authority having jurisdiction.
48. When required by the authority having jurisdiction, every owner shall uncover and replace at his own expense any work that has been covered contrary to an order or the provisions of this bylaw.
49. Every owner is responsible for the cost of repair of any damage to public property or works that may occur as a result of undertaking work for which a permit was required.
50. Should occupancy approval be granted prior to the completion of any work being undertaken that requires a permit, the owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
51. When required by the authority having jurisdiction, every owner shall provide a letter to certify compliance with this bylaw or any condition imposed in any permit which has been issued.
52. The granting of a permit, the approval of the drawings and specifications or inspections made by the authority having jurisdiction shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having it carried out in accordance with this bylaw, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the Occupancy Approval.
53. When a building or part thereof is in an unsafe condition, the owner shall forthwith take all necessary action to put the building in a safe condition.
54. Every owner who undertakes to construct or have constructed a building within the scope of Part 4 of the current edition of the *National Building Code of Canada* shall ensure that an architect, professional engineer or both are retained to undertake:
  - (1) the design of the building; and
  - (2) a general review to determine compliance with the design during construction.

## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

55. Where the dimensions of a structural component are not provided in Part 9 of the *National Building Code of Canada* for use in a building within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the owner shall:
- (1) retain the services of a designer competent to undertake such work; or
  - (2) provide evidence to show that the member size has been determined in conformance with engineering practice accepted by the authority having jurisdiction where the nature or complexity of the work does not warrant retaining the services of a professional designer.

### **OBLIGATIONS OF CONSTRUCTOR**

56. Every constructor is responsible for ensuring that no excavation or other work is undertaken on public property and that no building is erected or materials stored in whole or in part thereon without approval having first been obtained in writing from the appropriate authority.
57. Every constructor is responsible jointly and severally with the owner for any work actually undertaken.

### **OBLIGATION OF AUTHORITY HAVING JURISDICTION**

58. The authority having jurisdiction is responsible for the administration and enforcement of this bylaw, and shall be deemed for the purposes of this bylaw and section 4 of the *Building Standards Act*, Inspectors appointed by the municipality.
59. The authority having jurisdiction shall keep copies of all applications received, permits and orders issued, inspections and tests made and of all papers and documents connected with the administration of this bylaw for such time as is required by law.
60. The authority having jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner of a contravention of this bylaw.
61. The authority having jurisdiction shall, when requested to do so, answer such relevant questions as may be reasonable with respect to the provisions of this bylaw, but shall not be required to assist in the laying out of any work or to act in the capacity of an engineering or architectural consultant.
62. The authority having jurisdiction shall issue a permit to the owner when, to the best of its knowledge, the applicable conditions as set forth in this bylaw and other related bylaws (i.e. Zoning Bylaw, Emergency Services Bylaw, Sewer and Storm Utility Bylaw and Water Utility Bylaw) and the general application, have been met.

# Office Consolidation of Building and Plumbing Bylaw 99-50

---

## **POWERS OF AUTHORITY HAVING JURISDICTION**

63. The authority having jurisdiction may enter any building or premises at any reasonable time for the purpose of administering or enforcing this bylaw, or if there is reason to believe an unsafe condition exists.
64. The authority having jurisdiction may order:
- (1) a person who contravenes this bylaw to comply with it within the time period specified;
  - (2) work to stop on a building or structure or any part thereof if such work is proceeding in contravention of this bylaw, or if there exists an unsafe condition;
  - (3) the removal of any unauthorised encroachment on public property;
  - (4) the removal of any building or part thereof constructed in contravention of this bylaw;
  - (5) the cessation of any occupancy in contravention of this bylaw;
  - (6) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed; and
  - (7) correction of any unsafe condition.
65. The authority having jurisdiction may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owners where such evidence or proof is necessary to determine whether the materials equipment, device, construction or foundation condition meets this bylaw.
66. The authority having jurisdiction may require any owner to submit, in addition to the information required in section 12 of this bylaw, an up-to-date plan or survey prepared by a registered land surveyor, which shall contain sufficient information regarding the site and the location of any building:
- (1) to establish, before construction begins, that all the requirements related to this location will be complied with; and
  - (2) to verify that, upon completion of the work, all requirements have been complied with.
67. Where the site conditions, the size or complexity of a building, part of a building or building component warrant, the authority having jurisdiction may require:
- (1) appropriate plans, specifications and related documents to bear the seal or stamp of an architect or engineer; and
  - (2) the work be reviewed during construction by the designer or other competent person.

## **Office Consolidation of Building and Plumbing Bylaw 99-50**

---

68. The authority having jurisdiction may issue a permit for the whole project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issue, if such information is of secondary importance and is of such a nature that the withholding of the permit until its availability would delay the work unreasonably.
69. The authority having jurisdiction may refuse to issue any permit
  - (1) whenever information submitted is inadequate to determine compliance with the provisions of this bylaw;
  - (2) whenever incorrect information is submitted;
  - (3) that would authorise any building work or occupancy that would not be permitted by this bylaw; or
  - (4) that would be prohibited by any enactment or regulation.
70. The authority having jurisdiction may revoke a permit by written notice to the permit holder if:
  - (1) there is contravention of any condition under which the permit was issued;
  - (2) the permit was issued in error; or
  - (3) the permit was issued on the basis of incorrect information.
71. The authority having jurisdiction may place a value on the cost of the work for the purpose of determining permit fees to be applicable.
72. The authority having jurisdiction may issue an occupancy approval, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or a part thereof for the accepted use, prior to commencement or completion of the construction or demolition work.
73. When any building, construction or excavation or part thereof is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or otherwise, and when due notice to correct such condition has not been complied with, the authority having jurisdiction may:
  - (1) demolish, remove or make safe such building, construction; excavation or part thereof at the expense of the owner and may recover such expense in like manner as municipal taxes; and
  - (2) take such measures as it may consider necessary to protect the public.
74. When in the opinion of the authority having jurisdiction immediate measures must be taken to avoid danger of fire or risk of accident, it may take such action as it deems appropriate, without notice and at the expense of the owner.
75. Before issuing an occupancy approval, the authority having jurisdiction may require the owner to provide letters to certify that this bylaw and the necessary permits have been met.

## Office Consolidation of Building and Plumbing Bylaw 99-50

---

76. The authority having jurisdiction shall issue to the owner an order or notice in writing to correct any unsafe conditions which are discovered by the authority having jurisdiction in any building under construction, demolition or alteration.
77. The authority having jurisdiction shall provide written reasons for refusal to grant a permit, when requested to do so.
78. Where any failure occurs which causes or has the potential to cause injury or loss of life, the authority having jurisdiction may require the owner or his agent to submit a report stating:
  - (1) the name and address of the owner of the building;
  - (2) the address or location of the building involved in the failure;
  - (3) the name and address of the constructor; and
  - (4) the nature of the failure.

### **APPEALS**

79. A decision of the authority having jurisdiction may be appealed in accordance with the provisions of the *Building Standards Act*.

### **ADDITIONAL REQUIREMENTS**

80. Washrooms *(Bylaw 2009-16, June 29, 2009)*
  - (1) Every building open to the public shall have not less than one Universal Toilet Room conforming to sentence 3.8.3.12(1) of the National Building Code or equivalent services that are available for use by the public.
  - (2) Every building open to the public shall be equipped with an infant change table or clear counter space with a minimum unobstructed area of 51cm by 92cm.
  - (3) Every washroom connected to municipal services shall have high efficiency toilets (dual flush toilets with a maximum flush of 6L per flush or single flush with a maximum of 4.8L per flush) installed. *(Bylaw 2013-43, August 12, 2013)*
  - (4) Every washroom shall have installed manual flush valves on any urinals.
  - (5) In male washrooms, in cases where only two water closets are required, one must be a urinal. In cases where more than two water closets are required, two thirds of the water closets may be urinals (as per the National Building Code). *(Bylaw 2012-28, July 23, 2012)*
81. Water Meters

All residential buildings that are exempt under the Water Utility Bylaw from the requirement to install a water meter shall be constructed so as to accommodate the future installation of a water meter assembly in a location approved by the authority having jurisdiction. This shall include a 13 mm conduit and wiring (for a conductor 18 gauge LTV cable) from the future water meter location to the

## Office Consolidation of Building and Plumbing Bylaw 99-50

---

outside remote readout location. The outside remote readout location shall be between 1 1/2 and 2 metres above finished grade.

82. Waste Grinding Devices *(Bylaw 2014-24, June 9, 2014)*

No person shall install or operate any waste grinding devices for domestic, industrial, commercial or institutional purposes that will directly or indirectly discharge effluent into a sanitary or storm sewer.

83. Grease Interceptors *(Bylaw 2014-24, June 9, 2014)*

(1) Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, in which the premises are connected directly or indirectly to a sanitary sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sanitary sewer in excess of the provisions of the Sewer and Storm Utility Bylaw. Grease interceptors shall not discharge to the storm sewer.

(2) Grease interceptors shall be cleaned, operated, and maintained in accordance with the manufacturer's recommendations, and maintenance records shall be kept as per the Sewer and Storm Utility Bylaw."

84. Solid fuel Burning Appliances

(1) Except as otherwise provided for in section 82(2) of this bylaw, no person shall install a solid fuel burning appliance unless it complies with the particulate emission requirements of either the Canadian Standard or the US Standard, as determined by the test methods and procedures of those standards.

(2) The following solid fuel burning appliances are exempt from section 82(1)

- (a) a central heating system,
- (b) a cook stove,
- (c) a site-built fireplace; and
- (d) a wood pellet stove.

85. Country Residential Forest Fuel Modification *(Bylaw 2007-27, June 25, 2007)*

All new residential construction in the Country Residential 1 and Country Residential 2 zones shall complete fuel modification in Fire Smart priority zones 1 and 2 as described in the Fire Smart manual. Fuel modification shall be completed within two years of obtaining occupancy. This work is not required for house additions, renovations or for the construction of accessory buildings. This section applies only to new lots purchased after July 1, 2007. *(Bylaw 2013-43, August 12, 2013)*



## Office Consolidation of Building and Plumbing Bylaw 99-50

---

86. Energy Efficiency *(Bylaw 2014-24, June 9, 2014)*
- (1) This section applies to site and factory built buildings and additions to buildings intended to be occupied during the heating season, excluding residential accessory structures and unheated buildings.
  - (2) Residential construction must adhere to the current edition of the *National Building Code*.
  - (3) All commercial construction must adhere to the current edition of the *National Building Code* or the *National Energy Code*.
  - (4) Notwithstanding subsections 86(1) and 86(2), the following additions apply:
    - (a) Walls including foundation above and below grade – RSI 4.9 (R28)
    - (b) Ceilings throughout – RSI 10.57 (R60)
    - (c) Floors above unheated spaces – RSI 4.9 (R28)
    - (d) Slabs on ground – RSI 1.8 (R10)
    - (e) Slabs on ground containing radiant heat – RSI 3.5 (R20)
    - (f) Concealed floor space or crawl space from grade – RSI 1.8 (R10)
    - (g) Insulation with a thermal resistance of not less than RSI 1.8 (R10) shall be installed around the perimeter of a building extending not less than 600 mm (2 feet) from the building face immediately above or at footing level.
    - (h) Doors excluding glazing shall have a minimum thermal resistance of RSI 2.1 (R12)
    - (i) Windows and glazing installed shall have a minimum thermal resistance U value of  $1.4\text{W/m}^2\cdot\text{K}$  (R4)
  - (5) Alternatives to the insulation requirements of section 86(4) of this bylaw may be determined through the use of energy computer modelling resulting in an equivalent performance.
  - (6) Notwithstanding subsections 86(1) to 86(5) of this bylaw, the requirements for minimal thermal insulation values for mobile homes located in areas zoned RP–Residential Mobile Home Park may be determined through the use of energy computer modelling resulting in an EnerGuide Rating System value of 78 or an equivalent value as determined and approved by the authority having jurisdiction. *(Bylaw 2016-20, May 24, 2016)*
- (Section 86 added by Bylaw 2014-24, June 9, 2014 and amended by Bylaw 2016-20, May 24, 2016)*
87. The building envelope of new dwelling units shall be constructed with a maximum 1.5 air changes per hour at a 50 Pa depressurization or a maximum normalized leakage area of  $0.7\text{cm}^2/\text{m}^2$  of exterior wall surface at a 10 Pascal depressurization when measured in accordance with CAN/CSGB-149.10-M (determination of the air tightness of building envelopes by fan depressurization method) with intentional openings for mechanical equipment left unsealed. *(Bylaw 2013-43, August 12, 2013)*

## Office Consolidation of Building and Plumbing Bylaw 99-50

---

88. Residential occupancies, excluding hotels and motels, shall incorporate heat recovery ventilators with a sensible recovery efficiency of 64% or more at an outside winter design temperature of  $-25^{\circ}\text{C}$ . Such heat recovery ventilators shall be used as the principal ventilation fan to satisfy the requirements of the *National Building Code*. Design for the ventilation system shall be done by a Heating, Refrigeration, and Air Conditioning Institute (HRAI) of Canada certified designer or mechanical engineer and approved with initial plans. Ventilation shall be installed at time of rough-in inspections by the City. (*Bylaw 2014-24, June 9, 2014*)
89. Except where prohibited by other standards, regulations, or good engineering practices, any buildings requiring mechanical ventilation shall have heat recovery in their principle ventilation system. (*Bylaw 2013-43, August 12, 2013*)
90. In all new construction, chimneys of naturally aspirated fuel-fired appliances shall remain in the building envelope before exiting through the roof. (*Bylaw 2012-28, July 23, 2012*)
91. All new residential construction shall have an EnerGuide Rating System label which must be affixed somewhere visible in the home at the time of final inspection by the City (*Bylaw 2013-43, August 12, 2013*)
92. Fire Department connections for automatic sprinkler systems shall utilize a 4" storz hose connection with screen and cap, except in smaller systems where a 2.5" hose connection with a swivel female connection with a cap may be deemed appropriate. (*Bylaw 2013-43, August 12, 2013*)
93. This bylaw or any amendment to it shall not affect the rights of an owner under a permit issued prior to the effective date of this bylaw or such amendment, provided the owner has commenced work within six months of the date of issue of the permit and has actively carried out work thereafter. (*Bylaw 2009-16, June 29, 2009*)

### **PENALTIES**

94. Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a fine in the maximum amount of five thousand dollars or to imprisonment for no more than six months, or both.
95. Each day that a violation of the provisions of this bylaw exists shall constitute a separate offence.

### **REPEAL**

96. Bylaw 90-60, including all amendments thereto, is hereby repealed.
97. Bylaw 97-01, including all amendments thereto, is hereby repealed.

# Office Consolidation of Building and Plumbing Bylaw 99-50

---

## **COMING INTO FORCE**

98. This bylaw shall come into full force and effect upon final passage thereof.
99. Notwithstanding section 98 of this bylaw, the 2012 requirements for washrooms, ventilation and thermal insulation values (sections 80, 86 and 88) shall come into full force and effect on and from the 31<sup>st</sup> day of December, 2012. (*Bylaw 2012-28, July 23, 2012*)
100. Notwithstanding section 98 of this bylaw, the requirements for labelling in section 91 shall come into full force and effect on and from the 1<sup>st</sup> day of April, 2014. (*Bylaw 2013-43, August 12, 2013*)
101. Notwithstanding section 98 of this bylaw, the requirements for minimal thermal insulation values (section 86) for mobile homes shall come into full force and effect on the 30<sup>th</sup> day of June, 2015. (*Bylaw 2012-28, July 23, 2012*)

**FIRST and SECOND READING:** September 27, 1999

**THIRD READING and ADOPTION:** October 12, 1999

ORIGINAL BYLAW SIGNED BY:

Mayor: "*Kathy Watson*"

Acting City Clerk: "*W. G. Newell*"