

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #592

A BYLAW TO ESTABLISH BUILDING REGULATIONS

WHEREAS section 694 (1) of the *Local Government Act* authorizes the Council of the Village of Montrose, for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by bylaw;

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

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

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF MONTROSE, in open meeting assembled, enacts as follows:

SHORT TITLE

1. (1) This bylaw may be cited for all purposes as the "**Building Bylaw.**"

DEFINITIONS

2. (1) In this bylaw:

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

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

Building Official includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Council of the Village of Montrose.

Complex Building means:

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

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the ***Building Code.***

Standard building means a ***building*** of three storeys or less in ***building height,*** having a ***building area*** not exceeding 600 square meters and used for ***major occupancies*** classified as

- (a) ***residential occupancies,***

- (b) **business and personal services occupancies,**
- (c) **mercantile occupancies,** or
- (d) **medium and low hazard industrial occupancies.**

Structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, specifically including retaining structures greater than 1.2 m in height, but excluding landscaping, fences, or paving.

PURPOSE OF THE BYLAW

- 3. (1) The bylaw shall, notwithstanding any other provisions herein, be interpreted in accordance with this section.
- (2) This bylaw has been enacted for the purpose of regulation construction within the Village of Montrose in the general public interest. The activities undertaken by or on behalf of the Village of Montrose pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety, and the protection of persons and property.; It is not contemplated nor intended, nor does the purpose of this bylaw extend:
 - (a) to the protection of **owners, owner/builders,** or **constructors** from economic loss;
 - (b) to the assumption by the Village of Montrose or any **building official** of any responsibility for ensuring the compliance by any **owner,** his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code,** the requirements of this bylaw or other applicable enactments respecting safety;
 - (c) to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this bylaw;
 - (d) to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village of Montrose is free from latent, or any defects.

PERMIT CONDITIONS

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

the building permit is issued and his or her representatives are responsible for making such determination.

SCOPE AND EXEMPTIONS

5. (1) This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation and **occupancy** of existing **buildings** and **structures**.
- (2) This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except as expressly provided herein, nor to retaining **structures** less than 1.2 meters in height.

PROHIBITIONS

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

BUILDING OFFICIALS

7. (1) Each **building official** may:
 - (a) administer this bylaw;
 - (b) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm copies of such documents.
 - (c) establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.
- (2) A **building official**:
 - (a) may enter any land, **building, structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - (b) where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and

- (c) shall carry proper credentials confirming his or her status as a **building official**.
- (3) A **building official** may order the correction of any work that is being or has been done in contravention of this bylaw.

APPLICATIONS

- 8. (1) Every person shall apply for and obtain:
 - (a) a building permit before constructing, repairing or altering a **building** or **structure**;
 - (b) a plumbing permit before installing, replacing or altering a plumbing fixture;
 - (c) a moving permit before moving a **building** or **structure**;
 - (d) a demolition permit before demolishing a **building** or **structure**;
 - (e) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid building permit.
- (2) Applications for permits shall be made in the form prescribed by the Village from time to time.
- (3) All plans submitted with permit applications shall bear the name and address of the **designer** of the **building** or **structure**.
- (4) Each **building** or **structure** to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that **building** or **structure** as determined in accordance with Schedule "A" to this bylaw.

APPLICATIONS FOR COMPLEX BUILDINGS

- 9. (1) An application for a building permit with respect to a **complex building** shall;
 - (a) be signed by the **owner**, or a signing officer if the **owner** is a corporation, and the **coordinating registered professional**;
 - (b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings, and shall be signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application;
 - (d) a site plan prepared by a British Columbia Land Surveyor showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of Montrose's land use regulations establish siting requirements related to flooding;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village of Montrose's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;

- (viii) the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.
 - (e) floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
 - (f) a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - (g) elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
 - (h) cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
 - (i) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (j) a letter of assurance in the form of Schedule "A" as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**.
 - (k) letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals** as the **building official** or **Building Code** may require to prepare the **design** for and conduct **field reviews** of the construction of the **building** or **structure**;
 - (l) two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9(1)(e) – 9(1)(h) of this bylaw;
- (2) In addition to the requirements of section 9(1), the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Village of Montrose subdivision servicing bylaw.
 - (b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - (c) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

APPLICATIONS FOR STANDARD BUILDINGS

10. (1) An application for a building permit with respect to a **standard building** shall;
- (a) be signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings, and shall be signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application;
 - (d) a site plan prepared by a British Columbia Land Surveyor showing:

- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village of Montrose's land use regulations establish siting requirements related to flooding;
 - (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village of Montrose's land use regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the location, dimension and gradient of parking and driveway access;
 - (viii) the **building official** may, at his sole discretion, waive the requirements for a site plan, in whole or in part, where a permit is sought for the repair or alteration of an existing **building** or **structure** or where, the **building official** is satisfied that locations and dimensions required for a proposed development can be determined by other means.
- (e) floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.
 - (f) a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - (g) elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
 - (h) cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
 - (i) copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - (j) a foundation design prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code**, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;
 - (k) the requirements of section 10(1)(j) may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to section 699 (2) of the *Local Government Act* the building permit is issued in accordance with sections 699 (5) and (6) of the *Local Government Act*;
 - (l) the requirements of section 10(1)(j) may be waived by a **building official** if documentation, prepared and sealed by a **registered professional**, is provided assuring that the foundation design substantially complies with section 9.4.4 of Part 9 the **Building Code** and the foundation excavation substantially complies with section 9.12 of Part 9 of the **Building Code**;
 - (m) two sets of drawings at a suitable scale of the design including the information set out in sections 10(1)(e) – 10(1)(h) and 10(1)(j) of this bylaw.

- (2) In addition to the requirements of section 10(1), the following may be required by a **building official** to be submitted with a building permit application for the construction of a **standard building** where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Village of Montrose subdivision servicing bylaw;
 - (b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - (c) a roof plan and roof height calculations;
 - (d) structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
 - (e) letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;
 - (f) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the **Building Code** and other bylaws and enactments relating to the **building** or **structure**.

PROFESSIONAL PLAN CERTIFICATION

11. (1) The letters of assurance in the form of Schedules B-1 and B-2 referred in section 2.6 of Part 2 of the **Building Code** and provided pursuant to sections 9(1)(k), 10(1)(j), 10(2)(e), and 15(1) of this bylaw are relied upon by the Village of Montrose and its **building officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.
- (2) A building permit issued for the construction of a **complex building**, or for a **standard building** for which a **building official** required professional design pursuant to section 10(2)(d) and letters of assurance pursuant to section 10(2)(e) of this bylaw shall be in the form prescribed by the Village.
- (3) A building permit issued pursuant to section 11(2) of this bylaw shall include a notice to the **owner** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.
- (4) When a building permit is issued in accordance with section 11(2) of this bylaw the permit fee shall be reduced by 5% of the fees payable pursuant to Schedule "A" to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

FEES AND CHARGES

12. (1) In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule "A" to this bylaw, shall be paid in full prior issuance of any permit under this bylaw.
- (2) The **owner** may obtain a refund of the permit paid pursuant to this bylaw in accordance with Schedule "A".
- (3) Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge

as set out in Schedule "A" to this bylaw shall be paid prior to additional inspections being performed.

- (4) An inspection charge, as set out in Schedule "A" to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing **building** or **structure** for which a permit is sought under this bylaw.

BUILDING PERMITS

13. (1) When:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the proposed work set out in the application substantially conforms with the **Building Code**, this bylaw and all other applicable bylaws and enactments;
 - (c) the **owner** or his or her representative has paid all applicable fees set out in section 12(1) of this bylaw;
 - (d) the **owner** or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
 - (e) no enactment, covenant, agreement, or regulation in favour or, or regulation of, Village of Montrose authorizes the permit to be withheld;
 - (f) the **owner** has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*;
 - (g) the **owner** has retained an architect if required by the provisions of the *Architects Act*;
- a **building official** shall issue the permit for which the application is made.
- (2) When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued unless the **owner** provides evidence pursuant to section 30(1) of the *Homeowner Protection Act* that the proposed **building**:
- (a) is covered by home warranty insurance, and
 - (b) the **constructor** is a licensed residential builder.
- (3) Section 13(2) of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.
- (4) Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
- (a) the work authorized by the permit is not commenced within 12 months from the date of issuance of the permit; or
 - (b) work is discontinued for a period of 12 months.
- (5) A **building official** may extend the period of time set out under sections 13(4)(a) and 13(4)(b) where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.
- (6) A **building official** may issue an excavation permit prior to the issuance of a building permit.
- (7) A **building official** may issue a building permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information has been provided to the Village of Montrose to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the **building** or **structure** has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the **building**

or **structure** as if the permit for the portion of the **building** or **structure** had not been issued.

- (8) When a site has been excavated under an excavation permit issued pursuant to section 13(6) of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13(4), but without the construction of the **building** or **structure** for which the building permit was issued having commenced, the **owner** shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the Village of Montrose to do so.

DISCLAIMER OF WARRANTY OR REPRESENTATION

14. (1) Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a **building official**, shall constitute a representation or warranty that the **Building Code** or the bylaw have been complied with or the **building** or **structure** meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this bylaw or any standard of construction.

PROFESSIONAL DESIGN AND FIELD REVIEW

15. (1) When a **building official** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a **registered professional** provide design and plan certification and **field review** by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the **Building Code**.
- (2) Prior to the issuance of an occupancy permit for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with sections 10(1)(j), 10(2)(e) or 15(1) of this bylaw, the **owner** shall provide the Village of Montrose with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the **Building Code**.
- (3) When a **registered professional** provides letters of assurance in accordance with sections 9(1)(k), 10(1)(j), 10(2)(e), 15(1) or 15(2) of this bylaw, he or she shall also provide proof of professional liability insurance to the **building official** in the form prescribed by the Village.

RESPONSIBILITIES OF THE OWNER

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

INSPECTIONS

17. (1) When a **registered professional** provides letters of assurance in accordance with sections 9(1)(k), 10(1)(j), 10(2)(e), 15(1) or 15(2) of this bylaw, the Village of Montrose will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 15(2) of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- (2) Notwithstanding section 17(1) of this bylaw, a **building official** may attend the site from time to time during the course of construction to ascertain that the **field reviews** are taking place and to monitor the **field reviews** undertaken by the **registered professionals**.
- (3) A **building official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with the those portions of the **Building Code**, this bylaw and any other applicable enactment concerning safety.
- (4) The owner or his or her representative shall give at least 24 hours notice to the Village of Montrose when requesting an inspection and shall obtain an inspection and receive an **building official's** acceptance of the following aspects of the work prior to concealing it:
- (a) installation of perimeter drain tiles and damp proofing, prior to backfilling;
 - (b) the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - (c) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - (d) the framing and sheathing;
 - (d) insulation and vapour barrier;
 - (e) when the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- (5) No aspect of the work referred in section 17(4) of this bylaw shall be concealed until a **building official** has accepted it in writing.
- (6) The requirements of section 17(4) of this bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance provided in accordance with sections 9(1)(k), 10(1)(j), 10(2)(e), 15(1) or 15(2) of this bylaw.

OCCUPANCY PERMITS

18. (1) No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form prescribed by the Village.
- (2) An occupancy permit shall not been issued unless:
- (a) all letters of assurance have been submitted when required in accordance with sections 9(1)(k), 10(1)(j), 10(2)(e), 15(1) and 15(2) of this bylaw.
 - (b) all aspects of the work requiring inspection and acceptance pursuant to section 17(4) of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 17(6) of this bylaw.
- (3) A **building official** may issue an occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 18(2) of this bylaw have been met with respect to it.

RETAINING STRUCTURES

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

PERMITS

20. (1) All permits required shall be in a form prescribed by the Village.

PENALTIES AND ENFORCEMENT

21. (1) Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.
- (2) Every person who fails to comply with any order or notice issued by a **building official**, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- (3) A **building official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work notice in the form prescribed by the Village.
- (4) The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.
- (5) Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.4 of this bylaw a **building official** may post a Do Not Occupy notice in the form prescribed by the Village on the affected part of the **building** or **structure**.
- (6) The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- (7) Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.

SEVERABILITY

22. (1) The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

SCHEDULES

23. (1) Schedule "A" attached to this Bylaw forms a part of this bylaw.

ENACTMENT

24. (1) Bylaws #497 and #591 are hereby repealed.

(2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
READ A FOURTH TIME AND FINALLY ADOPTED

this 20th day of August, 2002
this 4th day of February, 2003
this 18th day of February, 2003
this 4th day of March, 2003

Mayor

Village Clerk

I hereby certify the foregoing to be a true and correct copy of the **Building Bylaw #592**.

Village Clerk

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #592
SCHEDULE "A"

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

Minimum Fee

1. The minimum fee for any permit issued pursuant to this Bylaw shall be fifty dollars (\$50.00).

Declared or Assessed Value

2. The permit fee for the construction, reconstruction, addition, extension, alteration or repair of a building, or for any other work for which a permit is required pursuant to this Bylaw and for which no specific fee is listed, shall be seven dollars (\$7.00) for each \$1,000 or portion thereof of the value of work to be performed under the authority of the permit.
3. The fee for each plumbing fixture, which includes all traps and hot water tanks, shall be:
 - a) Per fixture when issued in conjunction with a Building Permit \$ 10.00
 - b) Additional flat fee when issued separately from a Building Permit \$ 75.00

Non-Refundable Application Fee

4. Subject to section 6 of this Bylaw Schedule, every permit application shall include a non-refundable application fee:
 - a) Actual permit fee up to \$10,000 of construction cost
 - b) For each application for \$10,000 to \$50,000 construction cost \$ 50.00
 - c) For each application for construction cost in excess of \$50,000 \$ 150.00

The non-refundable fee shall be applied against the cost of the permit.

Related Building Permit Fees

5.
 - a) Re-inspection fee \$ 75.00
 - b) Demolition fee \$ 50.00
 - c) Moving permit fee \$ 75.00
 - d) Temporary building permit fee \$ 75.00

Fees for item d) in this section are in addition to section 1 and section 2 fees.

Building Permit Fee Refunds

6. Notwithstanding section 4 of this Bylaw Schedule, where a permit has been issued pursuant to this Bylaw and construction has not yet commenced, permit fees shall be refunded on application for the cancellation of the permit subject to the conditions set forth in this section:
 - a) that an application for a refund be received within twelve (12) months of the issue date of the permit, and
 - b) that the fee retained be not less than fifty dollars (\$50.00), and
 - c) that the amount refunded to the applicant be not more than seventy-five percent (75%) of the fee paid.

Notice on Title

7. A fee of two hundred dollars (\$200.00) shall be paid with an application to remove a notice placed on the title of a property under the authority of section 700 of the *Local Government Act*.