



Alberni-Clayoquot Regional District

## Bylaw No. PS1005-4

A BYLAW TO PROVIDE FOR THE  
ADMINISTRATION OF THE BUILDING  
CODE.

Updated November 2010

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REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. PS1005-4

A BYLAW TO PROVIDE FOR  
THE ADMINISTRATION OF THE  
BUILDING CODE.

The Board of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “The Building Bylaw No. PS1005-4, Consolidated 2010”.

2. INTERPRETATION

For the purposes of this Bylaw, the following words and expressions are defined, and where the same words and expressions are defined in the Building Code, those definitions do not extend to the use of those words and expressions in this Bylaw:

- (a) “AGENT” includes a person representing the owner by designation or contract and includes a hired tradesman and contractor who may be granted permits for work within the limitations of his license.
- (b) “AUTHORITY HAVING JURISDICTION” as used in the Building Code for the purposes of this Bylaw means the Building Inspector.
- (c) “BUILDING” means a structure that is used or intended to be used for supporting or sheltering persons or animals or property, except those prescribed by regulation as exempted from the Building Code and includes plumbing contained in a building and servicing a building.
- (d) “BUILDING CODE” has the same meaning as the “British Columbia Building Code” in the Building Regulations of British Columbia made pursuant to the *Local Government Act*.
- (e) “BUILDING INSPECTOR” means the person or persons appointed from time to time by the Regional Board as Building Inspector and includes chief, deputy and assistant Building Inspector.
- (f) “BUILDING PERMIT” means a permit for construction required or issued pursuant to this Bylaw.

- (g) "CONSTRUCT" includes to reconstruct, install, repair, alter, demolish and
- (h) "CONSTRUCTION" includes reconstruction, installation, repair, alternations, demolition and moving.
- (i) "FEE" means the fee prescribed in Schedule "A" to this Bylaw.
- (j) "LANE" means a public secondary access to the side or rear of a parcel.
- (k) "OCCUPANCY PERMIT" means an Occupancy Permit issued pursuant to this Bylaw.
- (l) "OWNER" has the same meaning as in the *Local Government Act* except where Letters Patent exempt an Indian from the application of the Building Code or this Bylaw, and includes an agent, and refers to the owners of a parcel for which a permit is issued under this Bylaw.
- (m) "PERMIT" means a Permit required or used pursuant to this Bylaw and includes a Building Permit, Demolition Permit, a Plumbing Permit, a Building Moving Permit, a Chimney Permit, a Fireplace Permit and a Solid Fuel Burner Permit.
- (n) "POOL" means anything constructed, set-up, dug or formed, for the express purpose of collecting, holding or ponding water to a depth exceeding 24 inches, which may be used for swimming, bathing, wading or for landscape or decorative purposes or for fish containment. This does not include irrigation or natural ponding or any type of water containment intended for agricultural uses i.e. stock watering.
- (o) "REGIONAL BOARD" means the Board of the Regional District of Alberni-Clayoquot.
- (p) "REGIONAL DISTRICT" means the Regional District of Alberni-Clayoquot.
- (q) "ZONING BYLAW" means the Zoning Bylaw of the Regional District of Alberni-Clayoquot in effect from time to time.

### 3. PROHIBITIONS

- (1) No person shall, unless exempted by this Bylaw or any other enactment, commence or continue to construct a building or structure without first obtaining a Permit for that purpose from the Building Inspector.
- (2) No person shall occupy or use a building or part of it after construction of that building or part of it without first obtaining an Occupancy Permit for it, or contrary to the terms of any Permit, Notice, Certificate or Order given by the Regional District or the Building Inspector.
- (3) No person shall occupy or use a building following a change in class of occupancy of the building or part of it without first obtaining an Occupancy Permit for it.
- (4) No person shall, unless authorized by the Building Inspector, alter, reverse, deface, cover, remove or in any way tamper with any Notice, Permit or Certificate posted pursuant to the provisions of this Bylaw.
- (5) No person shall do any work that is at variance with the description, plans and specification for the building or structure which have been authorized by the Building Inspector and for which a permit has been issued, unless the variance has first been authorized in writing by the Building Inspector.
- (6) No Permit shall be issued for an alteration, addition or repair to a building which is deficient in means of egress, provision of air, light and ventilation or which is structurally defective, unless that defect or deficiency is corrected at the time of the alteration, addition or repair.
- (7) No person shall continue to do any work upon a building or structure or any portion of it after the Building Inspector has ordered cessation of work on it or has ordered the suspension of any portion of construction of it.
- (8) No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw and the Building Code.
- (9) No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures or hot water tanks.

**4. AUTHORITY OF BUILDING INSPECTOR**

(1) The Building Inspector is authorized to:

- (a) administer this Bylaw;
- (b) keep records of applications received, Permits and Orders issued, inspections and tests made, and retain copies of all papers and documents connected with the administration of this Bylaw; and
- (c) take such action that they consider necessary to establish whether any method or type of construction or material used in the construction of a building conforms with the requirements and provisions of the Building Code; it being understood that the purpose of this function is to enforce the provision of this Bylaw and not to hold out to any person that a building is constructed in a safe and proper manner.

(2) The Building Inspector

Authority to Enter

- (a) is hereby authorized to enter, at all reasonable times, upon any property, subject to the regulations of this Bylaw, and the Building Code, in order to ascertain whether the regulations of, or directions under them, are being observed.

Consent to Enter

- (b) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice twenty-four (24) hours in advance of entry pursuant to clause (4)(2)(a).

Correct Work

- (c) may order the correction of any work which is being or has been improperly done under any Permit.

Stop Work

- (d) may order the cessation of work that is proceeding in contravention of this Bylaw or the Building Code.

### Power to Suspend Work

- (e) where any building under construction, in whole or in part;
  - i. does not conform to this Bylaw or the Building Code, the Zoning Bylaw, or
  - ii. is being constructed without a Permit.

may order the immediate suspension of all or any portion of the construction by attaching a Notice of that effect to the Building and sending by return registered mail to the owner of the real property on which the building stands, at his address, a copy of the notice.

### Tests

- (f)
    - i. shall retain as public record copies of the results of all tests ordered and carried out under the Building Code after construction is completed.
    - ii. may revoke or refuse to issue a Permit where, in his opinion the results of tests referred to in clause 4(2)(f)(i) are not satisfactory; and
    - iii. may order the correction of any work which they consider is being or has been improperly done.
- (3) Notwithstanding any other provisions of this Bylaw or the Building Code, whenever, in the opinion of the Building Inspector, the proposed work requires specialized technical knowledge, they may require, as a condition of the issuance of a Permit, that all drawings, specification and plot plans, or any part of them, be prepared, signed and sealed by and the construction carried out under the supervision of an architect or professional engineer specializing in the relevant field of engineering.
- (4) Professional Certification

Where the Building Inspector considers that:

- (a) the site conditions, or
- (b) the size or complexity of

- (i) the development, or
- (ii) an aspect of the development

to which a building permit relates, warrants a certification by a professional Engineer or Architect that the plans submitted with the application of the permit, or specified aspects of those plans, comply with the Building Code and other applicable enactments respecting safety, the building inspector may require the owner to provide the certification.

(5) Endorsement and Notice under Section 4(4)

The following Notice shall be given to the owner by endorsing it on a building permit that is issued in reliance upon a certification by a professional Engineer or Architect that the plans submitted in support of the application for the Permit comply with the British Columbia Building Code and other applicable enactments respecting safety of the building.

"Take notice that the Regional District of Alberni-Clayoquot, in issuing this permit has relied upon the certification of compliance of (Name of Consultant), professional Engineer or Architect, submitted with the plans of construction, that the plans comply with the current British Columbia Building Code and other applicable enactments respecting safety of the building or structure".

## 5. PERMITS

### Issuing Permit

- (1) Where
  - (a) an application has been made;
  - (b) the proposed work set out in the application complies with the Building Code, this Bylaw and all other applicable bylaws and enactments;
  - (c) the applicant for a Permit has paid to the Regional District the fee or fees prescribed in Schedule "A" to this Bylaw;
  - (d) the applicant has
    - i. provided to the Building Inspector proof that a sewage



disposal system design has been filed with the required Health Authority, as required by the Health Act, or

- ii. provided the Building Inspector with written assurance from a registered on-site waste water practitioner that a sewerage system constructed under a permit from the Ministry of Health will function adequately with the projected demand on the system after the construction contemplated in the permit application is completed.

unless:

- iii. the property is serviced by a community sanitary sewerage system, or
- iv. the construction contemplated in the permit application is for an accessory use and has no habitable space or plumbing fixtures therein.

the Building Inspector shall issue the permit for which the application was made.

#### Permit Conditions

(2) Every Permit is issued upon the following conditions:

- (a) nine (9) inspections are included with each issued Permit. All subsequent inspections carry a charge of fifty (\$50) dollars per inspection.
- (b) construction shall commence within six (6) months from the date of issuing the Permit;
- (c) work is not to be discontinued or suspended for a period of more than six (6) months;
- (d) Permits shall lapse in the event that either of the preceding two conditions are not met;
- (e) a lapsed Permit shall not be renewed nor the fee refunded. If the work is not completed when a Permit lapses, a new Permit shall be required for the remaining construction;

- (f) all Permits issued after the date of adoption of this Bylaw will expire two (2) years from the date of issuance;
- (g) at any time after the issuance of a Permit, but before the work under the Permit has commenced, the Permit holder may apply for cancellation of the Permit. Upon receipt of such application, the Building Inspector, if satisfied that the work has not commenced, shall cancel the Permit and shall refund to the Permit holder fifty (50%) percent of the fee paid by him in respect of the Permit;
- (h) the registered owner of the land signs the following, which may be endorsed on the permit;

“In consideration of the granting of this permit, I/we agree to release and indemnify the Regional District of Alberni-Clayoquot, its Board members, employees and agents from and against all liability, demands, claims of action, suits, judgments, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation or my/our respective heirs, successors, administrators or assignees may have or incur in consequence of or incidental to the granting of this permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the Regional District of Alberni-Clayoquot Building Bylaw or the British Columbia Building Code and I/we agree that the Regional District of Alberni-Clayoquot owes me/us no duty of care in respect of these matters.

I/we have read the above agreement, release and indemnity and understand it.”

**Contents of Application for Permit**

- (3) The application for a Building Permit shall
  - (a) be made in the form prescribed by the Regional District;
  - (b) be signed by the owner or his agent;
  - (c) state the intended use or uses of the building;
  - (d) state the true value of the proposed work;

- (e) include as exhibits, copies for detached dwelling units in duplicate, of the specification and scale drawings of the building with respect to which work is to be carried out showing;
  - i. the dimensions of the building including area of each floor;
  - ii. the dimensions, area and proposed use of each room or floor area;
  - iii. the dimensions of the parcel on which the building is, or is to be , situated;
  - iv. the proposed siting of the new building and the siting, use, height and horizontal dimensions of all existing buildings on the parcel referred to in subclause 5(3)(e)(iii) on a plan with a minimum scale of 1:200;
  - v. the technical information specified in other parts of this Bylaw and the Building Code required to be included on the drawings related to those parts;
  - vi. such other information as is necessary to illustrate all essential features of the design of the building;
  - vii. the name, address and telephone number of the designer; and
  - viii. contain any and all other information necessary to establish compliance with this Bylaw, the Zoning Bylaw and any other applicable enactment.
- (4) When required by the Building Inspector, the application shall also be accompanied by:
  - (a) details of the grades and elevations of the streets and public services, including sewer and drainage, abutting the parcel referred to in subsection 5(3)(e)(iii) and showing access to the building, parking, driveways, or site drainage and finished grades all tied into the Regional District's integrated survey area;
  - (b) a plan that shows the location and size of every building drain and of every trap or inspection piece that is on drains;

- (c) a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe. The plans and specifications shall be submitted in the form and quantities required by the Building Inspector and shall have on them complete design and calculation criteria so that the Building Inspector has this information available for examination, and shall bear the name, address and telephone number of the designer;
  - (d) a graphic drawing of proposed plumbing work showing the size and location of the plumbing system and containing complete design and calculation criteria; and
  - (e) a survey of the building site by a registered British Columbia Land Surveyor whenever one of the following conditions exist;
    - i. there is doubt as to the location of the lot lines;
    - ii. there are no existing legal survey pins within sixty (60) metres of the building site.
- (5) Where the Regional District relies under Section 4(4) of this bylaw on a certificate of compliance in issuing a Building Permit, the fees payable for a Building Permit shall be reduced by 2.5% (to a maximum of \$500.00 for any one property).
- (6) The Building Inspector shall not issue a building permit for any premises not served by a community sanitary sewerage system until the conditions of 5(1)(d) have been met.
- (7) In addition to the conditions set out in subsection (2), it shall be a further condition of the issuance and validity of a Permit that the Permit Holder provide to the Building Inspector no later than upon completion of the foundations for the works authorized under the Permit, a Site Certificate prepared by a registered British Columbia Land Surveyor confirming locations of buildings and structures under construction under a Permit and, where applicable, buildings and structures already situated on a lot where one or more of the following circumstances apply :
- (a) the lot (or the portion of the lot on which the building is to be sited) is less than 30.48 metres (100 feet) in width;
  - (b) the area of the lot is less than 1,672.2 square metres (18,000 square feet);

- (c) the building is located within 6.10 metres (20 feet) of the required minimum setback for the zoning district in which it is located according to the Zoning By-Law and subsequent amendments thereto;
- (d) the building is located within 6.10 metres (20 feet) of the setback provisions of the following sections of the Zoning By-Law and subsequent amendments thereto :
  - 6.2(3) & (4) [Location and Siting of Buildings]
  - 6.5 [Accessory Buildings and Uses]
  - 6.13 [Projections]
  - 6.14 [Vision Clearance at Intersections]
- (e) in the opinion of the Building Inspector, any other significant site conditions or apparent anomalies in the location of existing buildings warrant confirmation of siting compliance with Regional District by-laws.

For clarification:

- this section does not replace Section 5(4)(e);
- it is the responsibility of the property owner to ensure that all buildings meet the setback requirements of this by-law and of the Regional District of Alberni-Clayoquot Zoning By-law.

## 6. REVOCATION OF PERMIT

- (1) The Building Inspector may revoke a Permit where there is violation of
  - (a) a condition under which the Permit was issued; or
  - (b) a provision of the Building Code, this Bylaw or other applicable Bylaws or enactments.
- (2) The revocation shall be in writing and transmitted to the Permit holder by registered mail, and deemed served at the expiration of three (3) days after the date of mailing.

## 7. PHASED CONSTRUCTION

- (1) (a) the Building Inspector may issue a permit for the construction of a

part of a building before the entire plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Bylaw.

- (b) the issuance of the Permit notwithstanding, the requirements of this Bylaw and the Building Code apply to the remainder of the building, as if the Permit had not been issued.
- (2) the Building Inspector may issue an Occupancy Permit for part of a building provided that he is satisfied that the part of the building complies with all applicable bylaws, enactments and regulations, and that all health and safety requirements have been met.

## 8. TEMPORARY BUILDINGS

- (1) Subject to compliance with other applicable bylaws, the Building Inspector may issue a Permit for the erection or placement of a temporary building if he is satisfied that the building is safe for the stated use and duration;
- (2) The word "Temporary", as used in this subsection, shall mean period not exceeding twelve (12) months;
- (3) Applications for a Permit to construct a temporary building shall be made in writing to the Building Inspector accompanied by:
  - (a) plans showing the location of the building on the site and construction details of the building;
  - (b) a statement of the intended use and duration of the use; and
  - (c) a bond or certified cheque in the amount of ONE THOUSAND (\$1,000.00) DOLLARS which will guarantee that the building will be removed entirely and the site left in a safe and sanitary condition when the Permit has expired.

## 9. RESPONSIBILITY OF THE OWNER

- (1) Before construction commences, the owner shall
  - (a) determine that the building site is safe and will not be affected by

flooding water caused by surface run-off or otherwise, or by land slip or other hazards; and

- (b) incorporate into the design and plans submitted for a permit, the climatic data in Section 13.

## 10. GENERAL DUTIES OF THE OWNER BEFORE CONSTRUCTION

- (1) An owner of real property shall
  - (a) permit the Building Inspector to enter his building or premises at any reasonable time for the purpose of inspection;
  - (b) obtain from the Regional District, or other authority having jurisdiction where applicable, permits relating to demolition, excavation, building, repair or buildings, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of the work;
  - (c) when required by the Building Inspector, give at least 48 hours notice to the Building Inspector of the intention to start work on the construction site;
  - (d) obtain elevation and construction requirements relative to Provincial Flood Plan Restrictions from the Ministry of Environment;
  - (e) within fifteen (15) days after completion or occupancy of a building, place or cause to be placed on or over the entrance to the building or premises the number (address) as assigned on the Building Permit;
  - (f) not place or maintain, nor shall any owner or agent permit to remain on any building or premises, a building number other than that required under the provision of this Bylaw.
- (2) Neither the granting of a permit nor the acceptance of plans and specifications, nor inspections made by or on behalf of the Regional District, shall in any way relieve the owner from full responsibility to perform the work in strict accordance with this Bylaw, the Building Code and all other applicable enactments.

## 11. RESPONSIBILITY OF OWNER DURING CONSTRUCTION

- (1) Ensure no work is done on any part of the building or structure beyond that point indicated in each successive inspection report without first obtaining the written approval of the Building Inspector; and
- (2) During the progress of work, request the Building Inspector to make or cause to be made the following inspections, by giving notice to the Building Inspector a minimum of one (1) working day prior to the inspection being required
  - (a) after excavation is completed;
  - (b) after removal of formwork from a concrete foundation and installation of perimeter drain tiles, drain rock and damp proofing, but prior to backfilling against foundation;
  - (c) when framing and exterior sheathing of the building are complete, including fire-stopping, bracing, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;
  - (d) when insulation and vapour barrier is installed prior to covering of interior finish;
  - (e) before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing systems is covered before it is inspected and approved it shall be uncovered if the Building Inspector so directs, and when considered necessary, underground building drains, branches, storm drains, and sewers shall be re-tested after the completion of all backfilling and grading by heavy equipment;
  - (f) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building; and
  - (g) where it is deemed necessary by the Building Inspector, provide specialized professional information at the owners cost, and the owner shall not proceed with any further work which would prevent a thorough inspection until the inspection has been done and approved.



- (3) The owner shall
- (a) ensure that the building or structure is built in compliance with the Building Code and this Bylaw;
  - (b) prior to the completion of any building, or part of it, obtain from the Building Inspector written permission to occupy part of it if partial occupancy is desired;
  - (c) prior to the occupancy of any building, or part of it, after completion of construction of the building, or part of it, or prior to any change in class of occupancy of any building, or part to it, obtain from the Building Inspector an Occupancy Permit, which may be withheld by the Building Inspector until the building or part of it complies with the requirements of this Bylaw, the Building Code and all other health safety requirements of any Municipal bylaw or other enactment;
    - i. Prior to the Building Inspector issuing an occupancy permit, the owner must provide proof of filing with the required Health Authority that the sewage disposal system has been constructed in accordance with the design filed under section 5 (1)(d)(i) if applicable;
  - (d) obtain from the Building Inspector written permission prior to resuming construction which has been suspended on any building;
  - (e) where tests of any materials are required by the Building Inspector to ensure conformity with the requirements of this bylaw, transmit to the Building Inspector records of the test results;
  - (f) in all cases where it is required to conduct the waste from plumbing fixtures or trade waste to a Regional District owned sanitary sewer make certain, by inquiring from the Building Inspector, that the sanitary sewer is at sufficient depth and capacity to receive the discharge; and also to arrange the plumbing to suit the location of the connection provided for the parcel by the Regional District;
  - (g) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the Building Inspector may require to show that the proposed sewers will be laid at such depth, and in such a position as to connect the property with the building or storm sewer extension;

- (h) obtain, where applicable, a highway or street access permit to the real property; and
- (i) during construction, keep
  - i. posted in a conspicuous place on the property in respect of which the Permit was issued a copy of the Permit or a poster or placard showing the material facts in the Permit in lieu of the permit; and
  - ii. a copy of the Permit drawings and specification on the property in respect of which the Permit was issued.

**12. FENCES AND WALKWAYS**

- (1) If, in the opinion of the Building Inspector, a fence or covered walkway is necessary for the protection and safety of the public during the construction or maintenance of a building, it shall be erected in accordance with this Section.
- (2) In a commercial zone, a closed board fence is required not less than 1.83 metres in height and at a distance beyond the street line directed by the Building Inspector.
- (3) A covered walkway shall be a minimum of 1.22 metres in width and shall be equipped with red warning lights to warn of its existence to approaching pedestrians or traffic.
- (4) No fence or covered walkway shall be erected in such a way as to obstruct direct access to any fire hydrants, catch basins, fire alarm boxes, letter boxes or to obstruct light from street lamps.

**13. CLIMATIC DATA**

- (3) Climatic data for the design of buildings in the Regional District is:
- (4) Design Temperature
 

January 2 ½%	-5C
January 1%	-7C
July 2 1/2%	

	Dry	31C
	Wet	18C
	Degree - Days Below	18C - 3, 152
(5)	Maximum Rainfall	
	15 minutes	10mm
	One Day	140mm
	Maximum Snowload on the Ground	2.7 kPa
	Annual Total Precipitation	1 987mm
(6)	Hourly Wind Pressure	
	Probability 1/10	0.47 kPa
	Probability 1/30	0.58 kPa
	Probability 1/100	0.70 kPa
(7)	Seismic Data	
	Za	5
	Zv	5
	Zonal Velocity Ratio	0.30

**14. ESSENTIAL SERVICES**

No permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided for:

**Highway Access**

- (1) Practical and legal public road access to the property to allow access by emergency vehicles at all times, unless a property is accessible only by water.

**Water Main**

- (2) A public water service or other source of supply of water approved by the Medical Health Officer is available for the building or structure unless

water is not required for the particular use of a building or structure.

#### Sewer

- (3) A public sewer or other approved method of sewage disposal unless water and sewage disposal is not required for the particular use of a building or structure.

#### Storm Drain

- (4) An approved method of storm drainage has been installed to service the building or structure.

#### Access to Driveway

- (5) A driveway of sufficient strength, grade and width for access from a public road described in Section 14 (1) to all buildings on the property, unless a property is accessible only by water.

### 15. BUILDING MOVES

- (1) No person shall move or cause to be moved any building into the Regional District or from one parcel to another in the Regional District without first obtaining a building permit.
- (2) The following conditions apply to the issuance of a Building Permit under this Section if the building to be moved is residential:
  - (a) the building shall either meet the requirement of the Building Code prior to its move or be rehabilitated to Building Code requirements within six (6) months from the issuance of the Permit to move.
- (3) The following conditions apply to all building in respect of which an application to move has been made:
  - (a) the floor area of the building to be moved shall be equal to or greater than the minimum floor area requirements for the parcel to which it is to be moved and, when located on that parcel, the building shall comply with all clearances and siting requirements applicable to that parcel; and
  - (b) the application for a building permit shall be accompanied by detailed plans and specifications of the proposed relocation and

rehabilitation of the building and by an irrevocable letter of credit or a certified cheque in the amount of TWO THOUSAND (\$2,000.00) DOLLARS payable to the Regional District.

The letter of credit may be drawn upon by the Regional District in an amount sufficient to complete the work specified in the plans submitted if the work is not completed in its entirety within twelve (12) months from the date of issuance of the Permit to move, and the deposit or the balance thereof (if any) remaining in the hands of the Regional District shall be returned to the depositor after an Occupancy Permit in respect of the work has been issued.

## 16. POOLS

- (1) No person shall construct or set up any pool without first obtaining a building permit.
- (2) An application for a permit to construct or set up all swimming pools shall include;
  - (a) Plans and specifications for the pool including all water supply piping and waste water system and outfall.
  - (b) Details for the fence or enclosure around the pool
  - (c) A site drawing showing the location of the pool in relationship to property lines and all other buildings (wells and septic systems where applicable)
- (3) The following conditions apply to all pools, existing or proposed.
  - (a) All swimming pools shall be fully enclosed by a fence or building or a combination of both. This enclosure shall be a minimum of 6 feet high with the base being within 4 inches of finished grade.
  - (b) All openings through the enclosure will be fitted with gates or doors, complete with self closing and self latching hardware. The latching hardware shall be located a minimum of 4 ft. 9 inches above grade if on the outside or 3 ft 3 inches if located on the pool side.
  - (c) All other openings shall be sized to prevent a spherical object of 4" in diameter passing through.

- (d) There shall be no horizontal members on the outside of the enclosure to facilitate climbing.
- (e) The enclosure shall be designed and built to prevent a child from going under, over or through it.
- (f) A pool shall not be filled or allowed to contain water until the fence or enclosure has been inspected and approved by the Building Inspector.
- (g) The location of a pool shall meet the requirements and provisions of the Zoning Bylaw of the Regional District of Alberni-Clayoquot.
- (h) No swimming pool shall be located less than 10 ft. from any rear lot line.
- (i) No in ground pool shall be located less than 10 ft. from any basement.
- (j) For the purpose of this section "Swimming Pool" shall include any pool constructed or set up to be used or intended to be used for swimming, bathing or wading, which is over 24 inches in depth.

## 17. RETAINING WALLS

- (1) A retaining wall shall be designed to resist the pressure of the retained material, including both dead and live load surcharges to which it may be subjected to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift. Unless a drainage system is provided which will effectively drain the backfill under all conditions, the wall shall be designed to resist a hydrostatic pressure due to a head of water equal to the height of the backfill.

## 18. PENALTIES

- (1) A person who:
  - (a) violates a provision of the Building Code or this Bylaw;
  - (b) causes, suffers or permits an act, or thing, to be done in

contravention or in violation of the Building Code or this Bylaw;

- (c) neglects or refrains from doing anything required to be done by the Building Code or this Bylaw;
- (d) carries out or suffers, causes or permits to be carried out any construction in a manner prohibited by or contrary to the Building Code or this Bylaw; or
- (e) fails to comply with an order, direction or notice given under the Building Code or this Bylaw;

commits an offence and is liable on conviction to a fine and penalty not exceeding TWO THOUSAND (\$2,000.00) DOLLARS.

- (2) For each day that a violation of the provisions of this Bylaw is permitted to exist, it shall constitute a separate offence.

19. SEVERABILITY

If any provision of this by-law is held by a court to be void, voidable or unenforceable, such provision may be severed and the remaining provisions shall continue in effect.

20. REPEAL BYLAWS

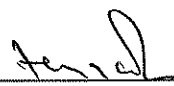
Building Bylaw PS1005-3 is hereby repealed.

READ A FIRST TIME THIS **24th** DAY OF **November** , 2010.

READ A SECOND TIME THIS **24th** DAY OF **November** , 2010.

READ A THIRD TIME THIS **24th** DAY OF **November** , 2010.

ADOPTED THIS **24th** DAY OF **November** , 2010.

  
 \_\_\_\_\_  
 CHAIRMAN

  
 \_\_\_\_\_  
 SECRETARY-TREASURER

Regional District of Alberni-Clayoquot  
 Schedule "A" to Bylaw PS1005-4  
 Fees

1. Building Permit Fees

a. The fees payable for a permit for construction, addition, extension, alteration and repair of any building or any other work requiring a permit and not specifically listed here shall be as follows:

i. Value of proposed work:

- (1) Up to \$1,000 the fee is \$30
- (2) \$1,000 or more, but less than \$100,000 the fee is \$30, plus \$6 for each \$1,000 or part thereof in excess of \$1,000
- (3) \$100,000 or more, but less than \$500,000 the fee is \$624 plus \$5 for each \$1,000 or part thereof in excess of \$100,000
- (4) \$500,000 or more the fee is \$2,624 plus \$3 for each \$1,000 or part thereof in excess of \$500,000

2. Value of proposed work

The estimated value of the proposed work is the estimated value of construction as determined in accordance with the Marshall & Swift "Marshall Valuation Service" or "Residential Cost Handbook" using "average" quality of construction.

3. Miscellaneous fees

- |    |   |        |
|----|---|--------|
| a. | Re-inspection Fee (effective January 1, 2011)   | \$50   |
| b. | Demolition Permit Fee   | \$30   |
| c. | Solid fuel burning applicant Fee<br>(includes one call back or inspection if necessary) | \$100* |

These fees do not include applicable taxes.

\* Includes tax.