

# VILLAGE OF PEMBERTON

## BUILDING BYLAW NO. 912, 2021

**Fourth & Final Readings**  
**October 21, 2021**



**OFFICE CONSOLIDATION: October 19, 2023**

This document is an office consolidation of the Village of Pemberton Building Bylaw No. 912, 2021 (adopted October 21, 2021) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Bylaw Notice Enforcement Bylaw No. 874, 2020. A copy of the official version can be obtained from the Village Office or by contacting us at: [admin@pemberton.ca](mailto:admin@pemberton.ca).

Bylaw No	Section Amendment	Council Meeting	Date
Village of Pemberton Building Bylaw Amendment (Building Official Definition) Bylaw No. 916, 2021	Part 2, INTERPRETATION, replaces definition of building official.	Regular Council Meeting No. 1550	November 16, 2021
Village of Pemberton Building Bylaw Housekeeping Amendment (Construction Management) Bylaw No. 950, 2023	Part 9, Obligations of the owners constructor, introduced new permit requirements Part 13, Applications for Part 9 buildings, replaces reference to building code for spatial separations. Part 17, Fees and charges, introduces new fees Part 32, Notices, introduces ability to register a Notice on Title for incomplete permits	Regular Council Meeting No.1588	October 17, 2023

Village of Pemberton  
Building Bylaw No. 912, 2021

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## VILLAGE OF PEMBERTON

### BYLAW NO. 912, 2021

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A bylaw to establish the regulation of the construction, alteration, repair, demolition or occupancy of buildings and structures.

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The Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

#### **PART 1: CITATION**

- 1.1 This Bylaw may be cited for all purposes as the “Village of Pemberton Building Bylaw No. 912, 2021”

#### **PART 2: INTERPRETATION**

- 2.1. In this Bylaw, a reference to an *Act* refers to a statute of British Columbia and a reference to any statute, regulation or other enactment refers to that enactment as amended or replaced from time to time.

- 2.2. In this Bylaw, the following words and terms have the meanings set out in Division A Part 1 Section 1.4 of the *Building Code*:

***accessible, alteration, alternative solution, building, building area, building height, business and personal services, constructor, coordinating registered professional, designer, dwelling unit, farm building, field review, firewall, foundation, grade, heritage building, major occupancy, mercantile, occupancy, registered professional, residential, secondary suite, and storey***

- 2.2 The following words, terms, and phrases have the meanings assigned to them as follows:

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

***Building Code*** means the most current *British Columbia Building Code* as adopted by the Minister pursuant to the *Building Act*

***Building Official*** means a person designated by the Chief Administrative Officer to administer this bylaw, who is: ***(Amendment Bylaw No. 916, 2021)***

- (a) a member of the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia; or
- (b) a member of the Building Officials’ Association of British Columbia and who, has the qualifications described in Section 11 of the *Building Act*.

**Complex building** means a *building* described in Division A Section 1.3.3.2 of the *Building Code*.

**Construct** includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

**Chief Administrative Officer** means the person appointed to this position for the Village and any person designated to act in the place of that person.

**Cost of construction** means the hard costs and soft costs, as described in Part 17 of this Bylaw, of all completed construction or work related to a building permit.

**Do Not Occupy** means a notice issued by the *Building Official* where the *building* or premises has not been given a permission to occupy by means of a valid permit or business licence,

**Energy Step Code** means the energy performance standards set out in Subsections 9.36. and 10.2 of the *Building Code*.

**Fire Chief** means the person appointed to this position for the *Village* and any person designated to act in the place of that person.

**Fire Code** means the most current British Columbia Fire Code as adopted by the Minister pursuant to the *Fire Services Act*, RSBC 1996.

**Health and safety aspects of the work** means design, construction, demolition, or *occupancy* as defined in Division A Section 2.2 of the *Building Code*.

**Manager of Development Services** means the person holding this position for the *Village* or any person designated to act in the place of that person.

**Manager of Operations** means the person holding this position for the *Village* or any person designated to act in the place of that person.

**Manufactured home** means a factory built *detached dwelling unit*, certified prior to a placement on the *lot* as having been built:

- (a) as a modular home in accordance with CSA A277 *building*; or
- (b) as a mobile home in accordance with CAN/CSA Z240 building regulations and registered in the BC Manufactured Home Registry, arriving at the *lot* ready for *occupancy* apart from incidental operations and connections into a *community sewer* and *community water system*.

**National Farm Building Code** means the most current *National Farm Building Code of Canada* as adopted for the *Building Code*.

**Occupancy permit** means an authorization by the *Building Official* for the *occupancy* of a *building, structure, or other work* specified in the permit.

**Owner** has the meaning set out in the Schedule to the *Community Charter* or an *agent* duly authorized by the *owner* in writing.

**Owner Builder** means an *owner* who is authorized by BC Housing to build a new home for personal use, and who is exempted from having to become licensed and arrange for third-party home warranty insurance on their home if they build or directly manage the construction of their new home themselves.

**Plumbing Code** means the most current *British Columbia Plumbing Code* as adopted by the Minister pursuant to the *Building Act*.

**Plumbing Official** means the person appointed to this position for the *Village* and any person designated to act in the place of that person.

**Pool** means a *structure* or constructed depression which is designed to contain water and has a depth, at any point, exceeding 0.6 m.

**Pond** means a manufactured or constructed body of water of any size, which is installed as a landscaping feature and is not intended for the purposes of swimming or bathing or human occupation.

**Professional Design** means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*.

**Provisional Occupancy** means an *occupancy* approval that is subject to conditions to complete the full *occupancy* requirements and has a stated end date not to exceed 12 months.

**Retaining wall** means a *structure* constructed to hold back, stabilize, or support soil.

**Solid fuel burning appliance** means a device designed for burning solid fuel to produce heat for indoor spaces, or cooking, or aesthetic enjoyment, but does not include

- (a) a barbecue,
- (b) a chiminea,
- (c) an outdoor fireplace that is not used to heat indoor spaces, or
- (d) an outdoor oven.

**Standard building** means a *building* described in Division A Section 1.3.3.3 of the *Building Code*.

**Stop Work** means a notice issued by the *Building Official* or the *Chief Administrative Officer* to immediately suspend construction.

**Structure** means a construction or portion thereof of any kind, whether fixed to, supported by, or sunk into land or water, except the following:

- (a) landscaping;
- (b) fences;
- (c) paving;
- (d) *retaining walls* of 1.2 metres or less in height;
- (e) *tents* of less than 10m<sup>2</sup> in ground area that are not attached to a *building* and that are separated from other *structures* by more than 3 metres;
- (f) storage racking systems of 2.6 metres or less in height; and
- (g) decks of less than 0.6 metres in height or less than 10 m<sup>2</sup> in area without roofs.

**Tent** means a shelter of fabric or pliable material stretched and supported in any manner except by air or its contents.

**Unsafe to Occupy** means construction that has been deemed to be structurally unsafe by the *Building Official*.

**Village** means the Village of Pemberton.

**Work Without Permit** means construction that has been carried out without a valid permit or written authorization to prove otherwise.

- 2.3 If any section, subsection, sentence, clause, sub clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

### **PART 3: PURPOSE OF BYLAW**

- 3.1 This Bylaw, must, notwithstanding any other provision herein, be interpreted in accordance with this Part.
- 3.2 Every permit issued under this Bylaw is issued expressly subject to the provisions of this Part.
- 3.3 This Bylaw has been enacted for the purpose of regulating construction within the *Village* in the public interest.
- 3.4 The activities undertaken by or on behalf of the Village pursuant to this Bylaw are for the sole purpose of providing a limited and interim compliance monitoring function for reason of health, safety, and the protection of persons and property.
- 3.5 The purpose of this Bylaw does not extend:
- (a) to the protection of *owners, owner builders* or *constructors* from economic loss;
  - (b) to the assumption by the *Village* or the *Building Official* of any responsibility for ensuring the compliance by any *owner*, their 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 the provision of a warranty of design or workmanship to any person with respect to any *building* or *structure* for which a building permit or *occupancy* permit is issued under this Bylaw;
- (d) to the provision of a warranty or assurance that construction undertaken pursuant to building permits issued by the *Village* is free from latent, or any, defects; or
- (e) to the protection of adjacent real property from incidental damage or nuisance.

#### **PART 4: SCOPE AND EXEMPTIONS**

4.1. 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*.

4.2 This Bylaw does not apply to:

- (a) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series, Z241 series, or A277 series”, except as regulated by the *Building Code*; or
- (b) another *building* or *structure* exempted by Part 1 of the *Building Code* except as expressly provided herein.

#### **PART 5: PERMIT CONDITIONS**

5.1 A permit is required if work regulated under this Bylaw is undertaken.

5.2 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*, will in any way relieve the *owner* from full and sole responsibility to perform the work in strict accordance with this Bylaw, the *Building Code*, and other applicable enactments respecting safety.

5.3 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*, constitute in any way a representation, warranty, assurance, or statement that this Bylaw, the *Building Code*, or other applicable enactments respecting safety have been complied with.

#### **PART 6: PROHIBITIONS**

6.1 A person must not 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 the *Building Official* has issued a valid and subsisting permit for the work.

- 6.2 A person must not occupy or use any *building* or *structure* unless an *occupancy permit* has been issued by the *Building Official* for the *building* or *structure*.
- 6.3 A person must not occupy or use or permit the *occupancy* or use of any *building* or *structure* contrary to the terms of any permit issued or any notice given by the *Building Official*.
- 6.4 A person must not submit false or misleading information to the *Building Official* in relation to any permit application or construction undertaken pursuant to this Bylaw.
- 6.5 A person must not 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, unless authorized in writing by the *Building Official*.
- 6.6 A person must not do any work in contravention of the accepted design or plans of a *building*, *structure*, or other works for which a permit has been issued, unless that *alteration* has been accepted in writing by the *Building Official*.
- 6.7 A person must not alter the approved details of a specification or document which forms part of a permit application without first having obtained, in writing, authorization from the *Building Official*.
- 6.8 A person must not interfere with or obstruct the entry of the *Building Official* or other authorized person of the *Village* onto any property in the administration of this Bylaw, and for certainty a person must not interfere with or obstruct the *Building Official* or other authorized person of the *Village* from entering into a building to ascertain whether the requirements of this Bylaw are being met.

## **PART 7: BUILDING OFFICIAL**

- 7.1. Words describing the authority of the *Building Official* are to be construed as internal administrative powers and not creating a duty.
- 7.2. The *Building Official* may:
  - (a) administer this Bylaw;
  - (b) keep records of permit applications, permits, notices, and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this Bylaw, including any electronic copies of such documents;
  - (c) establish, or require an *owner* to establish, whether a method or type of construction or types of materials used in the construction of a *building* or *structure* for which a permit is sought under this Bylaw conforms to the requirements of the *Building Code*;

- (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies, or *foundations* be carried out, or that evidence or proof be submitted by the *owner*, at the *owner's* expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction, or *foundation* complies with this Bylaw and the *Building Code*;
- (e) subject to section 16 of the *Community Charter*, enter on property at any time to ascertain whether the requirements of this Bylaw are being met; and
- (f) order the correction of any work that is being or has been done in contravention of this Bylaw.

7.3. Without limiting section 7.2, the *Building Official* may cause any the following notices to be posted on the affected parcel, or on a *building* or *structure*, in a form approved by the *Building Official* or the *Chief Administrative Officer*, and make orders in relation to the subject of the notice:

- (a) a *Stop Work* notice, to require the cessation of construction, including plumbing installations, that is proceeding in contravention of this Bylaw, conditions on the permit, or the *Building Code*;
- (b) a *Work Without Permit* notice notifying the *owner* of a site where construction or plumbing installations have been carried out without a valid permit as required under this Bylaw;
- (c) a *Do Not Occupy* notice if the *owner* has been notified not to occupy a *building*, and the *owner* or another person continues the *occupancy*; and
- (d) an *Unsafe to Occupy* notice to the *owner* and any occupants if the *building* is deemed to be structurally unsafe and continuing use of the *building* may endanger the safety of the occupants in or around the *building*.

7.4. The *Building Official* may refuse to issue a permit, or may revoke an issued permit prior to *occupancy*, if the *Building Official* determines that

- (a) a violation of any of the following has occurred or will occur:
  - i. any of the conditions under which the permit was issued;
  - ii. a provision of this Bylaw or any other *Village Bylaw*;
  - iii. a provision of the *Building Code* or other provincial enactment; or if
- (b) any outstanding fees, charges, fines, or penalties remain unpaid;
- (c) information on the application is misleading or incorrect; or

- (d) the permit was issued in error.

## **PART 8: RESPONSIBILITIES OF THE OWNER**

8.1 Every *owner* must apply for and obtain a permit prior to:

- (a) constructing, repairing, or altering a *building* or *structure*, including adding a mezzanine;
- (b) relocating a *building* or *structure*;
- (c) excavating a lot in preparation for construction of a *building* or *structure*;
- (d) constructing a *foundation* of a *building* or *structure*;
- (e) demolishing a *building* or *structure* or part thereof;
- (f) constructing a masonry fireplace or installing a *solid fuel burning appliance* or chimney;
- (g) constructing or altering a plumbing system, except for minor or emergency repairs or fixture replacements;
- (h) altering the use or *occupancy* of a *building* or *structure*;
- (i) constructing, altering, or relocating a fire sprinkler system, unless the fire sprinkler system has not more than two heads;
- (j) installing or modifying a fire detection and alarm system in a complex building;
- (k) repairing the *building* envelope or replacing cladding on a multi-family residential *building* where there is a *registered professional* responsible for the work;
- (l) constructing or removing an accessory or *secondary suite*;
- (m) constructing, repairing, or altering a storage racking system exceeding 2.6 m in height;
- (n) installing, repairing, removing, or reinstalling a firestopping system or fire separation,
- (o) constructing a retaining wall over 1.2m in height;
- (p) erecting a *tent* over 10 square metres in area, if the tent will be in place for a duration exceeding 7 days;

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

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

- 8.3 Every *owner* must ensure that all construction complies with the *Building Code*, this Bylaw, other applicable enactments respecting safety, and orders and notices of the *Building Official* issued under this Bylaw.
- 8.4 Every *owner* to whom a permit is issued shall be responsible for the costs incurred by the *Village* for the repair of any damage to municipal works that occurs during or arises directly or indirectly from the work authorized on the permit.
- 8.5 If an *owner* defaults in paying the cost referred to in Section 8.4 to the *Village* within thirty (30) days after receipt of a demand for payment from the *Village*, the *Village* may:
- (a) recover from the *owner*, in any court of competent jurisdiction, the costs as a debt to the *Village*; or
  - (b) direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the *owner* and be collected in the same manner as property taxes.
- 8.6 Every *owner* to whom a permit is issued must, 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;
  - (c) post the civic address on the property in a location visible from any adjoining streets;
  - (d) manage any soil or water runoffs to adjacent properties and rights-of-way;
  - (e) manage the disposal and removal of materials off the site in an acceptable manner; and
  - (f) ensure that
    - i the construction site is kept tidy; and
    - ii all construction materials, waste, debris, soil and water from demolition, excavation, or construction activity contained are within the property boundaries.
- 8.7 Every *owner* must give at least 48 hours' written notice to the *Building Official*
- (a) of any scheduled inspections of a *registered professional* or representative;
  - (b) of intent to cover work that has been ordered to be inspected prior to covering; and
  - (c) when work has been completed so that a final inspection can be made.

## **PART 9 OBLIGATIONS OF OWNER'S CONSTRUCTOR**

9.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *Building Code*, this Bylaw and all other applicable codes, standards, and enactments.

9.2 Every *constructor* must ensure that:

- (a) no excavation or other work is undertaken on public property;
- (b) no public property or *Village* infrastructure is disturbed;
- (c) no building or *structure* is erected on public property; and
- (d) no materials stored are stored on public property,

without first having obtained approval in writing from the appropriate authority over such public property.

9.3 For the purposes of the administration and enforcement of this Bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

9.4 Apply for a permit to hoard a sidewalk, multi-use pathway or any portion of a road; **(Amendment Bylaw No. 950, 2023)**

9.5 Apply for a right-of-way use permit for storage of materials related to construction, or temporary encroachment into a Village right-of-way; **(Amendment Bylaw No. 950, 2023)**

9.6 The *Manager of Development Services* or *Manager of Operations* may impose, as a condition of a permit described in 9.4 and 9.5, terms, restrictions and requirements for safety and security of persons and property, indemnity and insurance, and to ensure compliance with this and other applicable bylaws; and may rescind, revoke, amend or vary orders made under this bylaw if they determine that the permit holder has contravened the permit or a provision of this or another bylaw or a provincial or federal enactment; **(Amendment Bylaw No. 950, 2023)**

## **PART 10 RESPONSIBILITIES OF THE REGISTERED PROFESSIONAL**

10.1 Every *owner* must provide to the *Village* letters of assurance in accordance with the requirements of the *Building Code* prior to

- (a) the pre-*occupancy* site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
- (b) a final inspection for a *standard building* in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case

the *owner* must provide the *Village* with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *Building Code*.

- 10.2 A registered *professional* who provides letters of assurance in accordance with the *Building Code* must provide proof of professional liability insurance to the *Building Official* in the form and amount required by the *Building Official*.
- 10.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *Building Code*, in respect of a *permit* application,
- (a) for *foundation* and *excavation* components of new *standard buildings* and additions greater than 55 square metres to *standard buildings* in accordance with the *Building Code*;
  - (b) for construction of a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *Building Code*;
  - (c) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
  - (d) for a *building* if the *Building Official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
  - (e) if the *building* envelope components of the *building* fall under Division B Part 3 of the *Building Code*, the *building* contains more than two *dwelling units*, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *Building Code*;
  - (f) for a parcel of land on which a *building* or *structure* is proposed if the *Building Official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under section 56 of Division 8 of Part 3 of the *Community Charter* for a report certified by a professional engineer or geoscientist with experience in geotechnical engineering that the land may be used safely for the use intended; and
  - (g) that the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable bylaws of the *Village*.
- 10.4 The *Building Official* may require a *registered professional* carrying out the *professional design* and *field review* required under section 10.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

- 10.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *Building Code* referred to in sections 10.1 and 10.3 of this Bylaw are relied upon by the *Village* and its *Building Official* as certification that the design and plans to which the letters of assurance refer comply with the *building code*, this Bylaw and other applicable enactments.
- 10.6 For a *building permit* issued for the construction of a *complex building*, the *Building Official* will provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments.
- 10.7 The *Village* and its *Building Official* will rely on the certification of *registered professionals* regardless of whether the notice referred to in 10.6 is received by the *owner*.
- 10.8 If a *building permit* is issued for a construction of a *complex building*, the *permit fee* is reduced by 5% of the fees payable under Schedule A to this Bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

## **PART 11: APPLICATIONS**

- 11.1 An application for a building permit is deemed to have been submitted once all applicable requirements of Parts 10, 11, 12, 13, 14, 15, 16 and 17 have been met.
- 11.2 Every person must apply for and obtain a separate permit for each *building* or *structure* to be constructed or altered on a site and will be assessed a separate building permit fee for each permit.
- 11.3 Every applicant for a permit for work regulated under this Bylaw must submit an application in a form approved by the *Building Official*,
- (a) signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (b) accompanied by the *owner's* acknowledgment of responsibility and undertakings made in the form prescribed by the *Building Official*, signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (c) accompanied by a copy of a title search made within thirty (30) days of the date of the application; and
  - (d) accompanied by a copy of all covenants, statutory rights-of-way and easements registered against the property;
- 11.4 The *Building Official* may consider an application for a *building permit* to have been abandoned, and may cancel the application, if:

- (a) the applicant has been notified that the permit is ready for issuance and the applicant has not requested that the permit be issued within 90 days of the date of the notification;
- (b) the applicant has been requested to provide information or documentation to complete the application and has not done so within 60 days of the request.

11.5 If the *owner* has designated a person to represent the *owner* as the *owner's agent*, the *owner* must, on a form provided by the *Building Official*, authorize the *agent* to represent the *owner* in all matters pertaining to the *building* permit.

## **PART 12: APPLICATIONS FOR COMPLEX BUILDINGS**

12.1 Every applicant for a *building* permit with respect to a *complex building* must submit with the application:

- (a) a *Building Code* compliance summary including without limitation whether the building is designed under Part 3 of the *Building Code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, *firewalls*, and facilities;
- (b) unless the *Building Official* waives the requirements for a site plan, in whole or in part, a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) 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 existing and proposed 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 invert elevations of the municipal service connections at the property line to establish the minimum building elevation necessary to ensure gravity feed of the storm and sanitary sewers to the municipal connections;
  - vi setbacks to the natural boundary of any lake, swamp, pond, or watercourse where the *Village's* land use regulations establish siting requirements related to flooding;
  - vii natural and finished *grade* at *building* corners and significant breaks in the *building* plan and proposed *grade* around the *building* faces to ascertain *foundation* height;

- viii geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* if the Village's Flood Regulation Bylaw or provincial flood mapping regulations establish siting requirements related to minimum flood elevation;
- (c) a cross section through the *building* or *structure* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (d) elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, finished *grade* and spatial separation calculations;
- (e) floor plans and cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or *structure* conforms to the *Building Code*;
- (f) 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 approvals;
- (g) a letter of assurance in the form of a Schedule A as referred to in Division C and Note A-2.2.7.2.(1)(b) 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*.
- (h) letters of assurance in the form of Schedule B as referred to in the *Building Code*, each signed by such registered professionals as required by the *Building Official* or *Building Code* in Division C and Note A-2.2.7.2 to prepare the design for and conduct *field reviews* of the construction of a *building* or *structure*.
- (i) two (2) sets of drawings and one (1) digital set of the drawings at a suitable scale in both metric and imperial units of the design prepared by each *registered professional* and including the information set out in paragraphs (c) to (e) of this section.

12.2 In addition to the requirements of section 12.1, the *Building Official* may require that an applicant for a *building* permit for a *complex building* submit any one or more of the following as the *Building Official* considers warranted due to the complexity of the proposed *building* or *structure* or siting circumstances:

- (a) an estimate of the *cost of construction* prepared by a *registered professional* or a qualified estimator;
- (b) a zoning analysis showing conformance to the *Village's* current Zoning Bylaw;
- (c) site servicing drawings, including detail of off-site services indicating locations at the property line, and where services enter the building, in accordance with the *Village's* current Subdivision and Development Control Bylaw, prepared and sealed by a *registered professional*;

- (d) an estimate of predicted water consumption for the proposed building use;
- (e) a section through showing *grades, buildings, structures, parking areas and driveways*; or
- (f) any other information required by the *Building Official* to establish compliance with this Bylaw, the *Building Code* and other enactments relating to the *building* or *structure*.

### **PART 13: APPLICATIONS FOR STANDARD BUILDINGS**

13.1 Every applicant for a building permit with respect to a *standard building* must submit with the application:

- (a) a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) 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 existing and proposed statutory rights-of-way, easements, and setback requirements;
  - iv. the location and dimensions of all existing and proposed *buildings* and *structures* on the parcel;
  - v. invert elevations of the municipal service connections at the property line to establish the minimum building elevation necessary to ensure gravity feed of the storm and sanitary sewers to the municipal connections;
  - vi. setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;
  - vii. natural finished grade at *building* corners and significant breaks in the building plan and proposed *grade* around the *building* faces to ascertain *foundation* height;
  - viii. geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* if the Village's Flood Regulation Bylaw or provincial flood mapping regulations establish siting requirements related to minimum flood elevation;

except if the *Building Official* waives, in whole or in part, the requirements for a site plan, and if the permit is for the repair or *alteration* of an existing *building*.

- (b) floor plans or a site plan showing:

- i. the dimensions and uses of all areas;
  - ii. the dimensions and height of crawl space and roof spaces;
  - iii. the locations, sizes and swing of doors;
  - iv. the location, size and opening of windows;
  - v. floor, wall and ceiling finishes;
  - vi. plumbing fixtures;
  - vii. structural elements;
  - viii. stair dimensions;
  - ix. major appliances;
  - x. the location, dimension and gradient of parking and driveway access;
  - xi. *accessible* paths of travel from the street to the *building*;
  - xii. access routes for firefighting;
  - xiii. location and species of all trees greater than 10 cm in diameter;
  - xiv. zoning compliance summary;
  - xv. locations, setbacks, and elevations of all *retaining walls*, steps, stairs, and decks;
- (c) a cross section through the *building* or *structure* illustrating *foundations*, drainage, ceiling heights and construction systems;
  - (d) elevations of all sides of the *building* or *structure* showing finishing details, roof slopes, windows, doors, finished *grade*, and spatial separation calculations as per *Building Code* section 9.10.14 and 9.10.15 ; *(Amendment Bylaw No. 950, 2023)*
  - (e) cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* conforms to the *Building Code*;
  - (f) 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 approvals;

- (g) letters of assurance in the form of Schedules B-1 and B-2 as required in subsection 2.2.7. of Division C of the *Building Code*; and
- (h) two (2) sets of drawings and one (1) digital set of the drawings at a suitable scale in both metric and imperial units of the design including the information set out in sections 13.1.(c) – 13.1. (e) of this Bylaw.

13.2 In addition to the requirements of section 13.1, the *Building Official* may require that an applicant for a *building* permit for a *standard building* submit any one or more of the following where the project involves two (2) or more *buildings*, which in the aggregate, total more than 1,000 square meters, or two (2) or more *buildings* that will contain four (4) or more dwelling units, or otherwise as the *Building Official* considers to be warranted due to the complexity of the proposed *building* or *structure* or siting circumstances:

- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, and where services enter the building, prepared and sealed by a *registered professional*, in accordance with the Village's current *Subdivision and Development Control Bylaw*.
- (b) a section through the site showing *grades*, *buildings*, *structures*, parking areas, and driveways;
- (c) roof plan and roof height calculations;
- (d) structural, electrical, mechanical, or fire suppression drawings, prepared and sealed by a *registered professional*;
- (e) 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(s) as referred to in the *Building Code*, signed by the *registered professional*, if a geotechnical engineer concludes that the *foundation* design will be outside the scope of Part 9 of the *Building Code*.
- (f) any other information required by the *Building Official* to establish compliance with this Bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

#### **PART 14: APPLICATIONS FOR TENANT IMPROVEMENT PERMITS**

14.1 In substitution for the requirements of Part 12 or Part 13, an applicant for a building permit with respect to a tenant improvement in an existing *building* must state the intended uses of the part of the *building*, and that of the adjacent spaces, and must submit:

- (a) copies in scale, size, legibility, and format, as specified by the *Building Official*, of the specification and drawings of the *building* or *structure* showing all aspects of the proposed work;

- (b) a site plan showing the location, dimension, and allocation of off-street parking spaces;
- (c) if required by the *Building Official*, a *Building Code* compliance analysis;
- (d) if required by the *Building Official*, a *Zoning Bylaw* compliance analysis;
- (e) floor plans showing the dimensions and uses of all areas; the location, size, hardware, and swing of doors; plumbing fixture layout; structural elements; stair dimensions; and location of all points of egress and exits;
- (f) a cross section through all walls, including interior walls, exterior walls, and walls separating tenant spaces;
- (g) a cross section showing ceiling height and floor construction;
- (h) copies of approvals and permits required under any exactment relating to health or safety, including, without limitation, highway access permits, Ministry of Health, Ministry of Environment and Climate Change Strategy, and Vancouver Coastal Health;
- (i) if required by the *Building Official*:
  - i. a letter of assurance, in the form of Schedule A, as referred to in Division C – Part 2 of the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*; and
  - ii. letters of assurance, in the form of Schedule B, as referred to in Division C – 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 tenant improvements; and
  - iii. any other information to establish compliance with this Bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

## **PART 15: FARM BUILDINGS**

- 15.1 Every *owner* must ensure that all construction of a *farm building* complies with the *National Farm Building Code*, this Bylaw, and other applicable enactments.
- 15.2 Every applicant for a building permit for a *farm building* must submit with the application the following:
- (a) unless the requirement is waived by the *Building Official* as being unnecessary to the application, in whole or in part, a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) 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 existing and proposed 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'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 wood floor system or top of finished concrete slab of a *building* or *structure* where the *Village's* land use regulations establish siting requirements related to minimum flood construction levels; and
  - vii. the location, dimension and gradient of parking and driveway access;
- (b) scaled construction drawings showing floor plans of the proposed building with the proposed uses of all areas, a cross-section of building showing proposed heights and confirmation that the building meets all the required design loads as per the *National Farm Building Code*;
  - (c) any other information required by the *Building Official* to establish compliance with this Bylaw, the *National Farm Building Code* and other bylaws and enactments relating to the *building* or *structure*.

## **PART 16: APPLICATIONS FOR TENTS**

- 16.1 Every applicant for a *building* permit for a *tent* must submit the following with the application:
- (a) a certificate of flame resistance indicating that the fabric complies with CAN/ULC-S109, "Flame Tests of Flame-Resistant Fabrics and Films" or NFPA 701, "Fire Tests for Flame Propagation of Textiles and Films"; and
  - (b) design and specifications of the supporting framing and anchorage and letters of assurance by a *registered professional*.
  - (c) unless the requirement is waived by the *Building Official* as being unnecessary to the application, in whole or in part, include a site plan prepared by a British Columbia Land Surveyor or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (R.S.I.S.) 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'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's* land use regulations establish siting requirements related to minimum flood construction levels; and
  - vii. the location, dimension and gradient of parking and driveway access;
- (d) scaled construction drawings showing floor plans of the proposed *tent* with the proposed uses of all areas and a cross-section of the *tent* showing proposed heights;
  - (e) any other information required by the *Building Official* to establish compliance with this Bylaw and other applicable bylaws and enactments.

## **PART 17: FEES, CHARGES AND SECURITIES**

- 17.1 Fees, charges, penalties, and security deposits for services and permits that may be or are provided under this bylaw shall be payable as set out in the Village of Pemberton Fees and Charges Bylaw No. 905, 2021.
- 17.2 Every person who obtains a permit or service under this Bylaw must pay the applicable fees and charges, based on the *cost of construction* where applicable, prior to obtaining the building or permit or service.
- 17.3 The *cost of construction* will include, without limitation,
- (a) all mechanical, electrical, plumbing, drainage, and gas installations necessary in the carrying out of the construction to its completed form;
  - (b) all design documents, labour and fees involved in the design, investigative testing, consulting services, construction labour and management, even if provided by the *owner*, or donated voluntarily by others, sales taxes;

- (c) contractor's profit and overhead;
- (d) insurance;
- (e) site preparation and civil works and improvements and all associated paving, landscaping, and underground servicing, including excavation and the use of hoisting, pile driving, compaction, or erection devices.

17.4 The *cost of construction* will be the greater of:

- (a) the value declared by the *owner* on the application;
- (b) the value of construction, as determined by the *Building Official* utilizing an independent third party valuation tool of construction costs; or
- (c) a cumulative total of all contracts of *construction* for the project at *occupancy*.

17.5 Every applicant for a building permit must pay the applicable non-refundable plan processing fee that will be credited against the building permit fee when the permit is issued.

17.6 If a Stop Work Notice or Work Without Permit Notice is issued to an *owner* prior to the *owner* issuance of a building permit for the work, the *owner* must pay the applicable penalty prior to issuance of the building permit.

17.7 Every applicant for a building permit that includes new site service connections must deposit with the Village a security in the form of cash.

17.8 The site service connections security collected under 17.6 will be returned within 30 days upon confirmation that site services as-built drawings showing locations of sewer and water connections have been submitted to and accepted by the *Building Official* or by the *Manager of Operations*.

17.9 The *owner* may obtain a refund of the permit fee if a permit is surrendered and cancelled before any construction begins, as determined by the *Building Official*, provided that:

- (a) the refund does not include the plan processing fee paid pursuant to section 17.4 of this Bylaw;
- (b) no construction work has begun; and
- (c) no inspections have been made.

17.10 Fees for miscellaneous services related to the administration of this Bylaw and related enactments will be charged at an hourly rate.

- 17.11 Every *owner* must pay a fee for the preparation and registration of any legal documents, including restrictive covenants on title and notices on title, when the *Village* has incurred costs in the preparation or registration of these documents.
- 17.12 Every *owner* must pay a fee:
- (a) to extend a building permit as permitted under section 18.9;
  - (b) for revision of plans after submission of the building permit application;
  - (c) to transfer a building permit to another person; or
  - (d) For Temporary occupancy of a mobile home or recreational vehicle by an owner of a lot during construction as permitted by section 6.3 (x) of the Village of Pemberton Zoning Bylaw No. 832, 2018; *(Amendment Bylaw No. 950, 2023)*
  - (e) For use of a Village Right of Way if it is determined by the *Manager of Operations, Manager of Development Services*, that the duration of temporary use warrants a fee; *(Amendment Bylaw No. 950, 2023)*
  - (f) For hoarding private or public lands in relation to a valid building permit. *(Amendment Bylaw No. 950, 2023)*
- 17.13 Every owner must pay a fee before the *Building Official* may approve a *provisional occupancy* permit.
- 17.14 Every applicant for a *foundation* permit must deposit with the *Village* a security in the form of cash or an irrevocable letter of credit against the cost of site restoration that may be incurred by the *Village*.
- 17.15 Where the proposed work includes excavation or construction on lands within 10 metres of a *Village* roadway, sewer, drain or water main, trees and their root systems, or other *Village* work, the applicant must deposit with the *Village* a security, in the form of cash or an irrevocable letter of credit, against the cost of repairs to such works.
- 17.16 The *Village* may return any securities collected within 30 days, less any repair costs incurred, after
- (a) final inspection of the related building permit; or
  - (b) cancellation, expiry, or revocation of the building permit,
- upon confirmation that the *Village* works have not been damaged or, if damage has occurred, that it has been fully repaired, or that the work requiring the securities amount has been satisfied.

## **PART 18: BUILDING PERMITS**

- 18.1 The *Building Official* may issue the permit for which an application is made when the following conditions have been met:
- (a) the *owner* has submitted a completed application including all required supporting documentation;
  - (b) the proposed work set out in the application conforms with the *Building Code*, this Bylaw and all other applicable bylaws and enactments;
  - (c) the *owner* has paid all applicable fees, charges, penalties, and deposits, and met all requirements imposed by this and any other applicable enactment;
  - (d) no enactment, covenant, agreement, or regulation of the *Village* authorizes the permit to be withheld;
  - (e) the *owner* has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*; and
  - (f) the *owner* has retained an architect if required by the provisions of the *Architects Act*.
- 18.2 If the application is in respect of a *building* that includes, or will include, a *residential occupancy*, the *Building Official* will not issue the building permit unless the *owner* provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that:
- (a) the proposed *building* is covered by home warranty insurance, and
  - (b) the *constructor* is a licensed residential builder,
- unless the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with section 30 (1) of the *Homeowner Protection Act*.
- 18.3 A building permit is issued upon the condition that the permit will expire and be cancelled and the rights of the *owner* under the permit will terminate if:
- (a) the work authorized by the permit is not commenced within twelve (12) months of the date of issuance of the permit;
  - (b) work is discontinued for a period of twelve (12) months or longer;
  - (c) there has been no request for an inspection or submission of a *field review* by a *registered professional* within twelve (12) months from the date of the last recorded inspection; or
  - (d) the work is not completed within two (2) years of the date of issuance of the permit

unless the *owner* has been granted an extension by the *Building Official* and has paid the permit extension fee.

- 18.4 A building permit is deemed to have been issued as of the date it was signed by the *Building Official*.
- 18.5 A person to whom a building permit has been issued must obtain approval in writing by the *Building Official* before transferring the permit to another person.
- 18.6 The *Building Official* may deem approved construction up to the last recorded inspection to be work performed under a permit.
- 18.7 If a permit has expired or been revoked, an *owner* must apply for and obtain a new permit prior to commencing or completing any remaining work.
- 18.8 If the *Building Official* issues a new permit pursuant to an application under section 18.7, the permit will be subject to the requirements of this Bylaw, current *Building Code*, and all other applicable enactments.
- 18.9 The *Building Official* may extend the duration set out under section 18.3. (a), (b), (c) or (d) if construction has not commenced or if construction has been discontinued due to adverse weather, strike, material, labour shortages, or similar hardship that the *Building Official* considers to be beyond the *owner's* control.
- 18.10 When an *owner* has excavated a site under a *foundation* permit or excavation permit and a building permit is not subsequently issued, or a subsisting building permit has expired in accordance with subsection 18.3, without the construction of the *building* or *structure* for which the building permit was issued having commenced, the *owner* must fill in the excavation to restore the original gradients of the site within sixty (60) days of being served notice by the *Building Official* to do so.
- 18.11 Prior to issuance of a building or demolition permit for a *complex building*, every *owner* must submit a fire safety plan in accordance with Division B, Section 5.6.1.2(1) of the *Fire Code* to the satisfaction of the *Building Official*.

## **PART 19: PLUMBING PERMITS**

- 19.1 Except as provided in subsection 19.4, a person must not construct, extend, renew, alter, or repair a plumbing system unless a plumbing permit to do so has been obtained.
- 19.2 The *Plumbing Official* may issue a plumbing permit to only:
- (a) a licensed plumbing contractor; or

- (b) a homeowner who shall carry out the plumbing work themselves in a dwelling owned by them and used only as their domestic domicile, provided they have satisfied the authority having jurisdiction that they are competent to perform such work.

19.3 A plumbing permit shall not be transferable.

19.4 Notwithstanding 19.1, a plumbing permit is not required when:

- (a) a stoppage in a drainage system is cleared;
- (b) a leak is repaired in a water distribution system;
- (c) a fixture is replaced without any change to the drainage system; or
- (d) a replacement is made to existing faucets, service water heater, valves, pipes or fittings in a water distribution system.

19.5 A person must not cover any regulated plumbing work until the Plumbing Official has approved the work.

19.6 Prior to calling for a plumbing inspection the *owner* must:

- (a) submit to the *Plumbing Official* an isometric drawing overlaid on the floor plan showing:
  - i the location and size of every building drain, including every trap and cleanout fitting on the drain;
  - ii the size and location of every soil-or-waste pipe, trap, and vent pipe; and
  - iii the layout of the potable water distribution system, including pipe sizes and valves;
- (b) ensure that all drains and vents have been completed; and
- (c) ensure that the system has been filled with water or pressurized air up to the roof or to the highest point of connection to an existing vent.

19.7 Prior to the final inspection the *owner* must ensure that:

- (a) all fixtures and equipment have been installed and ready for use, and
- (b) if a fixture has been roughed-in for future use, the outlet has been sealed with an approved plug or cap.

19.8 If the *Plumbing Official* does not approve any part of the system after it has been inspected or tested, the *owner* must

- (a) make any *alteration* or replacement that is necessary, and
- (b) request inspection of the corrected work.

- 19.9 The *owner* must ensure that all connections to potable water systems are designed in compliance with *Village of Pemberton Cross Connection Control Bylaw No. 844, 2018*.
- 19.10 The *Plumbing Official* may issue a plumbing permit for a portion of a *building* or *structure* before the design, plans and specifications for the entire *building* or *structure* have been accepted, if information has been provided to the *Village* to demonstrate to the *Plumbing Official* that the portion authorized to be constructed complies with this and other applicable Bylaws and the permit fee applicable to that portion of the *building* or *structure* has been paid.
- 19.11 Following a request for inspection, the *Plumbing Official* may authorize work regulated by the *Plumbing Code* to be covered or concealed without an inspection, provided that
- (a) the request for inspection includes certification that the work has been performed in compliance with the *Plumbing Code* and any other applicable standard, and
  - (b) the certification is provided by the licensed plumbing contractor who obtained the permit and has overseen the work.
- 19.12 The *Plumbing Official* may request an inspection of a licensed plumbing contractor's work by another licensed plumbing contractor, from time to time, as an audit process, and the *owner* will be responsible for the cost of the additional inspection.

## **PART 20: RETAINING WALLS**

- 20.1 A *registered professional* must undertake the design and conduct *field reviews* of the construction of a *retaining wall* greater than 1.2 metres in height, to meet good engineering practices.
- 20.2 An *owner* must submit sealed copies of the design plan and *field review* reports prepared by the *registered professional* for all *retaining walls* greater than 1.2 metres in height to the *Building Official* prior to acceptance of the works.

## **PART 21: POOLS AND PONDS**

- 21.1 A person must apply for a building permit to construct or carry out structural repairs on a *pool* or *pond* except for *pool* that is emptied daily.
- 21.2. Notwithstanding 21.1, if an above-ground *pool* is erected only on a seasonal basis, a permit is required only the first time it is installed on the same parcel.
- 21.3. An applicant for a permit to construct a *pool* or *pond* must provide proof of liability insurance and, if required by the Building Official, drawings of the design, signed and sealed by a professional engineer and accompanied by letters of assurance (Schedule B) as referred to in Division C – Part 2 of the *Building Code*.
- 21.4 An applicant for a permit to construct a *pool* or *pond* on a hillside or sloping lot must provide
- (a) a geotechnical report referencing the *pool*, and
  - (b) letters of assurance (Schedule B) as referred to in Division C – Part 2 of the *Building Code* from a professional engineer with expertise in geotechnical engineering certifying whether or how it may be safely used for its intended purpose.
- 21.5 Prior to final inspection, a holder of a permit for construction of a *pool* or *pond* on a hillside or sloping lot must provide to the *Building Official* all *field reviews* and a Schedule CB.
- 21.6 In addition to information otherwise required by this Bylaw, an applicant for a permit to construct a *pool* or *pond* must provide a scaled plan showing the location, enclosure details, depth and dimensions of the *pool* or *pond* and its structural details, and all water supply piping and appurtenances.
- 21.7 *Pool* plumbing must be arranged so that *pool* water cannot enter any water supply line and once having been drained from the *pool* cannot be returned to the *pool* without filtering, and so that sewage from any sanitary sewer or sewage disposal system cannot enter the *pool* or the *pool* filtering system.

- 21.8 A *pool*, including a spa or hot tub, must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.5 metres and no openings greater than 100 mm at their least dimension.
- 21.9 Access through a fence enclosing a *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed to cause the gate to return to a closed position when not in use and secured by a latch located on the *pool*, spa, or hot tub side of the gate.
- 21.10 In lieu of a fence, an *owner* may provide a spa or hot tub with a locking cover which would prevent unauthorized access to the water.
- 21.11 A person must not use or occupy a *pool*, including a spa or hot tub, unless the *owner* or occupier of property on or in which a *pool*, spa or hot tub is located maintains every fence and cover required under sections 21.8 to 21.10 of this Part 21 in good order.

## **PART 22: BUILDING RELOCATION**

- 22.1 No person may relocate a *building* or *structure* into or within the Village:
- (a) except where certified by a *registered professional* that the *building* or *structure*, specifically its *foundation* and snow load, will comply with the current *Building Code*; and
  - (b) unless a building permit has been issued for the *building* or *structure* previously by the *Village*.

## **PART 23: SITE GRADING AND DRAINAGE**

- 23.1 The *owner* of land on which a *building* or *structure* is being constructed must control the site drainage such that other sites are not impacted and must ensure that:
- (a) each lot is *graded* to drain into a municipal drainage system or a natural watercourse without draining onto adjacent lots;
  - (b) areas adjacent to *buildings* are *graded* away from the *foundations* to prevent flooding;
  - (c) a lot lower than adjacent roadways is provided with stormwater management facilities to direct storm runoff to a drainage system approved by the *Building Official* or the *Manager of Operations*;
  - (d) if storm runoff is not directed to a municipal drainage system, storm runoff shall occur to a natural watercourse by means of sheet flow only, and not by means of swales or pipes or other artificial means.

## **PART 24: RISK OF FLOOD, LANDSLIDES AND OTHER HAZARDS**

- 24.1 If the *Building Official* considers that construction of a *building* or a *structure* would be on land that is or is likely to be subject to flooding, mud flows, debris flows or torrents, erosion, land slip, rockfalls, subsidence or avalanche, the *Building Official* may require the *owner* to provide a report prepared by a professional engineer or geoscientist with experience in geotechnical study and geo-hazard assessments certifying that the land may be used safely for its intended use, including lands that do not directly support the *building* or *structure*.
- 24.2 If the engineer or geoscientist certifies that the land may be used safely for the use intended if used in accordance with the conditions specified in the report provided to the *Building Official*, the *Building Official* may issue a building permit on the following conditions:
- (a) the *owner* covenants with the *Village* to use the land only in the manner certified by the engineer or geoscientist as enabling the safe use of the land for the use intended;
  - (b) the covenant includes provision for reimbursing the *Village* for any expenses that may be incurred by it as a result of a breach of the covenant; and
  - (c) the covenant is registered under section 219 of the *Land Title Act* (British Columbia).

## **PART 25: ALTERNATIVE SOLUTIONS**

- 25.1 An *owner* who wishes to provide *alternative solutions* to satisfy one or more of the requirements of the *Building Code* or this Bylaw must
- (a) submit to the *Building Official* sufficient evidence to demonstrate that the proposed alternate solutions will provide the level of performance required by the *Building Code* and this Bylaw, and
  - (b) pay the applicable fee.

## **PART 26: INSPECTIONS**

- 26.1 An *owner* must submit a *registered professional field review* report to the *Building Official* within seven (7) days of the occurrence of the *field review*.
- 26.2 The *Building Official* may periodically attend the site of construction of a *complex building* to ascertain that *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professional*.
- 26.3 The *Building Official* may periodically attend the site of the construction of a *standard building* or *structure* to ascertain whether the *health and safety aspects of the work* are being carried out in a conformance with those portions of this Bylaw, the *Building Code* and any other applicable enactments concerning safety.

26.4 Subject to subsection 26.5, the *owner* must obtain an inspection and receive the written acceptance from either the *Building Official* or the *Plumbing Official* of the following aspects of the work prior to concealing each, as applicable:

- (a) footing and *foundation*, as shown by a survey, prior to and after the placement of formwork;
- (b) perimeter drains and damp proofing;
- (c) plumbing rough-in, below ground;
- (d) plumbing rough-in, above ground;
- (e) bathtubs, showers, and site-built shower pans;
- (f) hydronic heating system;
- (g) under slab insulation;
- (h) fire sprinklers
- (i) fireplace and chimney;
- (j) mechanical ventilation;
- (k) framing after all services installed;
- (l) rain screen;
- (m) paper and wire prior to first coat stucco;
- (n) first coat of stucco;
- (o) second coat of stucco;
- (p) insulation and vapour barrier;
- (q) drywall for fire separation in *buildings* containing *secondary suites*, multiple residential and multiple commercial occupancies, before tape or filler is applied;
- (r) other inspections as required by the *Building Official*.

26.5 The requirements of subsection 26.4 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 paragraphs 12.1.(g), 12.1.(h), or 12.2.(e) of this Bylaw.

- 26.6 The *owner* must obtain an inspection, and must receive acceptance in writing by the *Manager of Operations*, the *Building Official* or the *Plumbing Official*, in relation to the following aspects of the work prior to concealing either, as applicable:
- a) sanitary and storm sewer; and
  - b) water service.
- 26.7 If any aspect of the work referred to in section 26.4 or 26.6 of this Bylaw is concealed prior to the *Building Official's* acceptance in writing, the *Building Official* or the *Manager of Operations* may order that it be uncovered at the *owner's* expense to permit an inspection.
- 26.8 Prior to scheduling an inspection, the *owner* must submit to the *Building Official* the following documents, as applicable, for review by the *Building Official* pursuant to the inspection:
- (a) Forms/*Foundation* Inspection:
    - i Building Location Certificate provided by a British Columbia Land Surveyor with elevation for top of concrete for Flood Construction Level (FCL) calculation;
    - ii Geotechnical Engineer *field review* for soil bearing;
    - iii Structural Engineer *field review* for footings;
    - iv Structural Engineer *field review* for *foundation* walls.
  - (b) Prior to backfilling:
    - i Geotechnical Engineer *field review* for rock pit;
    - ii Geotechnical Engineer *field review* for site drainage.
  - (c) Framing/*Sheathing* Inspection:
    - i Structural Engineer *field reviews*;
    - ii Sealed joist and beam layout;
    - iii Sealed roof truss layout and sealed truss specifications;
    - iv Fire Suppression Engineer *field review*;
    - v *Field Reviews* and Schedule S [EGBC] by engineer for i-joist and roof truss where required.
  - (d) Final Inspection:
    - i *Coordinating Registered Professional* Schedule C-A [*Building Code*]
    - ii Structural Engineer Schedule C-B [*Building Code*];
    - iii Geotechnical Engineer Schedule C-B [*Building Code*];
    - iv Fire Suppression Engineer Schedule C-B [*Building Code*];
    - v Third party field report with Schedule B and Schedule C-B [*Building Code*] for unvented roof spaces;

- vi Spray foam certification;
- vii Septic Engineer Schedule C-B [*Building Code*];
- viii Sealed drawings with Schedule B and Schedule C-B [*Building Code*] (Architectural 1.5 & 1.6) for manufactured guards;
- ix Third party report for energy modelling;
- x Mechanical Ventilation Checklist for all dwellings;
- xi Decking membrane certification;
- xii copy of electrical and gas permits and notice of completion from Technical Safety BC;
- xiii *retaining walls with field review*, Schedule B and Schedule C-B [*Building Code*];
- xiv a drawing showing the location of sewer and water services from the Village service connection to the point of entry at the house, triangulated against landmarks or permanent *structures*; and

(e) any other documents required by the *Building Official*.

26.9 If more than two (2) inspections are necessary when one (1) inspection is normally required, for each inspection after the second inspection, the *owner* must pay a re-inspection fee prior to any additional inspections being performed.

## **PART 27: OCCUPANCY REQUIREMENTS**

27.1 A person must not occupy a *building* or *structure* or part of a *building* or *structure* unless the *Building Official* has issued an *occupancy permit* for the *building* or *structure* or part of the *building* or *structure*.

27.2 The *Building Official* may issue an *occupancy permit* if:

- (a) all letters of assurance required under this Bylaw have been submitted;
- (b) all aspects of the work requiring inspection and acceptance pursuant to this Bylaw have been inspected and accepted; and
- (c) all requirements of the building permit have been fulfilled.

27.3 The *Building Official* may issue an approval for a *building* shell upon completion of the construction on condition that a person must not occupy the *building* or portions of the *building* until

- (a) a subsequent building permit has been obtained, and
- (b) a separate *occupancy permit* has been issued for the use.

27.4 Notwithstanding section 27.2, the *Building Official* may authorize a *provisional occupancy* for a part of a *building* specified in the authorization, for the duration granted, upon the request of the holder of a permit or the *owner* of a *building* for which a permit has been issued; if:

- (a) the part of the *building* that will be occupied is self-contained;
- (b) the *owner* has completed the following work and obtained the *Building Official's* acceptance of it:
  - i. plumbing, electrical, and heating;
  - ii. fire and life safety systems; and
  - iii. building envelope;
- (c) the *owner* has posted on the *building* the permanent civic address;
- (d) the *Fire Chief* and the *Manager of Development Services* have accepted the *provisional occupancy*; and
- (e) the *owner* has paid all applicable fees, charges, penalties, and performance securities.

27.5 A person must comply with the conditions under which the *provisional occupancy* was issued, the *Building Code*, and this Bylaw, with respect to any aspect of construction of any portion of the *building*.

27.6 The *Building Official* may require as a condition of issuance of a *provisional occupancy* permit that the *owner* provide a performance security equal to the value of all or part of the outstanding construction required to complete the *building*, to be refunded upon completion of the outstanding work.

27.7 The *Building Official* may request the *owner* to reconfirm the *cost of construction* prior to requesting the *occupancy permit*.

## **PART 28: BC ENERGY STEP CODE REQUIREMENTS**

28.1 Any residential *building*, including a detached house, carriage house, garden suite, duplex, or row house, regulated by Part 9 of the *Building Code*, excluding a manufactured home, must be designed and constructed to meet the minimum performance requirements specified in Step 4 of the *Energy Step Code*.

28.2 Except for *buildings* included in subsection 28.1, and *farm buildings*, any *standard building* with *residential, business and personal services* or *mercantile occupancies*, or a combination of be designed and constructed to meet the minimum performance requirements specified in Step 3 of the *Energy Step Code*.

28.3 Notwithstanding section 28.1, a log home constructed of logs sourced in British Columbia and using exclusively low carbon energy sources for heating, cooling, water heating and cooking

may be designed and constructed to meet the minimum performance requirements specified in Step 3 of the *Energy Step Code*.

## **PART 29: ELECTRIC VEHICLE CHARGING**

- 29.1 For *buildings* referenced in 28.1, the *owner* must provide at least one (1) electric vehicle charging rough-in for each *dwelling unit* contained within the *building*.
- 29.2 The *owner* must label the branch circuit serving the electric vehicle charging rough-in “EV Ready” in the service panel or subpanel directory and must label the termination location “EV Ready.”
- 29.3 The *owner* must submit to the *Building Official* a statement from the electrical contractor that the electric vehicle charging rough-in has been installed as per section 28.1.

## **PART 30: SITE SERVICES**

- 30.1 The minimum depth of bury for water services will be 1.8 metres unless the *owner* provides the *Building Official* with evidence that a lesser depth will not increase the risk of freezing.
- 30.2 The minimum depth of bury for sanitary sewer and storm drain services will be 1.2 metres unless the *owner* provides the *Building Official* with evidence that a lesser depth will not increase the risk of freezing.
- 30.3 If storm outfall is directed to a ditch, the invert elevation shall be 250 mm from the crest of the ditch or as determined by the *Manager of Operations*.
- 30.4 The *owner* must submit to the *Building Official* a record drawing showing the installation of potable water service, sanitary sewer service and storm drain service installations, backfill and bedding material for service trench used; and indicating sizes and types of material and all fittings and references for cleanouts, triangulated to substantially permanent landmarks such as building foundations and hydro kiosks.

## **PART 31: SURVEYOR’S OR SITE IMPROVEMENT CERTIFICATES**

- 31.1 Prior to the placing of concrete in forms for the *foundations* for a *building* or *structure*, the *owner* must ensure that the location of the forms in relation to Land Title Office plans and British Columbia Land Surveyor (B.C.L.S.) monuments, property lines, easements, or rights-of-way has been established by a B.C.L.S. or a certified member of R.S.I.S.
- 31.2 Prior to the *occupancy* of a *building* or *structure*, the *owner* must ensure that the location of the *foundations* in relation to Land Title Office plans and B.C.L.S. monuments, property lines, easements, or rights-of-way has been established by a B.C.L.S. or a certified member of the R.S.I.S.
- 31.3 The site improvement surveys required in subsections 31.1 and 31.2 of this Bylaw must show:

- (a) the shortest distances from the outer surfaces of the *foundations* of the *building* or *structure* on the property to the adjacent property lines, easements, or rights-of-way; and
- (b) the elevation of the applicable aspect of the floor system in relation to a flood reference, where the *Village's* land use regulations establish siting requirements related to flooding.

## **PART 32: NOTICES**

- 32.1 The *Building Official* may order the cessation of any work that is proceeding in contravention of this Bylaw, the *Building Code*, or any other *Village* bylaw, by posting a *Stop Work* notice in the form prescribed by the *Building Official* or *Chief Administrative Officer*.
- 32.2 The *owner* of property on which a *Stop Work* notice has been posted, and every other person, must cause all construction work to cease immediately and must not do any further work until the *Stop Work* notice has been rescinded in writing by the *Building Official*.
- 32.3 Where a *Do Not Occupy* notice or an *Unsafe to Occupy* notice has been posted on a property in relation to a *building* or *structure*, any person occupying the *building* or *structure* must cease *occupancy* immediately and refrain from further *occupancy* until the notice has been rescinded in writing by the *Building Official*.
- 32.4 The *owner* of a property on which a *Work Without Permit* notice has been posted must apply for a building permit and pay all applicable fees and penalties within seven (7) days of the notice being posted.
- 32.5 The *Building Official* may order removal of unpermitted work where there is a *Work Without Permit* notice issued if:
- (a) the *owner* fails to make a building permit application under section 32.4; or
  - (b) if the work constructed does not meet the requirements of this Bylaw, the *Building Code* or any other applicable enactment.
- 32.6. If the *provisional occupancy* issued under Section 27.4 expires and the outstanding work is not completed, the *Building Official* may initiate the process of a notice in the Land Title Office under section 57 of the *Community Charter* that the inspection was not completed.
- 32.7. If the permit has expired and no new application has been submitted or an extension granted, the *Building Official* may initiate the process of a notice in the Land Title Office under section 57 of the *Community Charter* that the scope of work of the permit was not completed;  
(Amendment Bylaw No. 950, 2023)

## **PART 33: CLIMATIC DATA**

- 33.1 The *owner* must comply with the Environment Canada climatic data, as provided by the *Village*, for the design of *buildings*, as applicable on the application date for the building permit.
- 33.2 Climatic data may be adjusted from time to time without notice to the public.

## **PART 34: PENALTIES AND ENFORCEMENT**

34.1 Any person who:

- (a) contravenes any provision of this Bylaw;
- (b) fails to comply with any order or notice issued by the *Building Official*;
- (c) causes or allows any act or thing to be done in contravention of any provision of this Bylaw; or
- (d) fails or neglects to do anything required to be done by any provision of this Bylaw, commits an offence.

34.2 Each day that an offence continues constitutes a separate offence.

34.3 A person found guilty of an offence under this Bylaw is liable if:

- (a) proceedings are brought under the *Offence Act (B.C.)*, to pay a fine to maximum of \$50,000 and such other amounts as the court may impose in relation to the offence; or
- (b) a ticket is issued under the *Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018*, to pay a fine to a maximum of \$1,000;
- (c) a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that *Act*.

34.4 The *Building Official*, *Plumbing Official*, and *Manager of Operations* may enforce the provisions of this Bylaw.

## **PART 35: REPEAL**

35.1 The Village of Pemberton Building Bylaw No. 867, 2019 and its amendments are hereby repealed.

**READ A FIRST TIME** this 19<sup>th</sup> day of October 2021.

**READ A SECOND TIME** this 19<sup>th</sup> day of October 2021.

**READ A THIRD TIME** this 19<sup>th</sup> day of October 2021.

**ADOPTED** this 21<sup>st</sup> day of October 2021.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer