

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #1978

A BYLAW TO REGULATE BUILDING CONSTRUCTION

WHEREAS Sections 692 to 701 of the *Municipal Act* (RSCB Chapter 323) authorizes the Council of the City of Rossland to enact building regulations;

AND WHEREAS Section 518(I) of the *Fire Service Act* authorizes the Council of the City of Rossland to deal with any matter within the scope of the *Fire Service Act*;

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

SHORT TITLE

1. (1) This Bylaw may be cited as the “**BUILDING BYLAW, 1998.**”

INTERPRETATION

2. 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:

- (1) **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.
- (2) **AUTHORITY HAVING JURISDICTION** as used in the Building Code for the purposes of this Bylaw means the Building Inspector.
- (3) **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.
- (4) **BUILDING CODE** has the same meaning as the “British Columbia Building Code” in the Building Regulations of British Columbia made pursuant to the Municipal Act, and as amended from time to time.
- (5) **BUILDING INSPECTOR** means the person or persons appointed from time to time by the Council as Building Inspector and includes deputy and assistant Building Inspectors.
- (6) **BUILDING PERMIT** means a permit for construction required or issued pursuant to this Bylaw.
- (7) **COUNCIL** means the Council of the Municipality.
- (8) **CONSTRUCTION** means to erect, alter, add, demolish, repair, reconstruct, remove or relocate a building.
- (9) **FEE** means the fee prescribed in Schedule “A” of this Bylaw.

- (10) **LANE** means a public secondary access to the side or rear of a parcel.
 - (11) **MUNICIPALITY** means the City of Rossland.
 - (12) **OCCUPANCY PERMIT** means permission or authorization in writing by the Building Inspector to occupy a building or part thereof upon acceptance of the work which is subject of a permit issued by the City of Rossland.
 - (13) **OWNER** in respect of real property means owner as defined in the Municipal Act, RSBC. 1979, c.323, as amended from time to time.
 - (14) **PERMIT** means permission or authorization in writing by the Building Inspector to perform work regulated by this Bylaw.
 - (15) **POOL** means a water receptacle used for swimming or as a plunge or other bath designed to accommodate more than one bather at a time; for decorative or landscaping purposes; but does not include irrigation or natural ponds not filled from domestic water sources.
 - (16) **ZONING BYLAW** means the Zoning Bylaw of the City of Rossland in effect from time to time.
3. (1) This Bylaw shall be interpreted in accordance with this section, despite any other provision of the Bylaw.
- (2) This Bylaw is enacted for the purpose of regulating construction within the Municipality and to permit the Municipality to carry out limited inspections for the purpose of reducing violations of this Bylaw and the B.C. Building Code which may effect public health or safety.
- (3) The purpose of this Bylaw does not extend:
- (a) to the protection of owners or builders from economic loss;
 - (b) to the assumption by the Municipality of any responsibility for ensuring compliance by any owner, builder, contractor, architect or engineer or any other person with the B.C. Building Code, this Bylaw or any other applicable enactment;
 - (c) to provide to any person a warranty that any built building or structure constructed within the Municipality complies with the B.C. Building Code, this Bylaw or any other applicable enactment;
 - (d) to provide a warranty that any building or structure constructed within the Municipality is free from latent or any defects.

MEASUREMENTS

4. The International System of Measurement is used in this Bylaw.

PROHIBITIONS

5. (1) No person shall, unless exempted by this Bylaw or any other enactment, commence or continue any work related to building construction unless he has a valid and subsisting permit issued by 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 Municipality 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 or specifications 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 or 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 of hot water tanks.
- (10) If any construction for which a building permit is required by this bylaw has commenced before a permit is issued by the building inspector, the owner of the real property on which the construction is being done shall pay to the City of Rossland double the fee prescribed as set out in Schedule "A" -- Section '1' of Fee Service Bylaw No. 2274, 2005 or amendments thereto and attached hereto.

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AUTHORITY OF BUILDING INSPECTOR

6. (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 he considers necessary in order to establish whether any method of type of construction or materials 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 provisions of this Bylaw and not to hold out to any person that a building is constructed in a safe and proper manner.

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 (a);

Correct Work

- (c) may order the correction of any work which is being or had 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, or
 - (ii) is being constructed without a Permit,

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

Tests

- (f) shall retain as public records copies of the results of all tests ordered and carried out under the Building Code after construction is completed;
- (g) may revoke or refuse to issue a Permit where, in his opinion, the results of test referred to in clause (f) are not satisfactory; and
- (h) may order the correction of any work which he considers is being or has been improperly done.

PERMITS

- 7. (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 application bylaws and enactments, and

- (c) the applicant for a Permit has paid all fees and charges required by this Bylaw and all other applicable Bylaws, the Building Inspector shall issue the Permit for which the application was made.

Permit Conditions

- (2) Every Permit is issued upon the following condition:
 - (a) that construction shall be started within six (6) months from the date of issuing the Permit;
 - (b) that the work is not to be discontinued or suspended for a period of more than six (6) months;
 - (c) that the Permit shall lapse in the event that either of the preceding two conditions is not met;
 - (d) that all Permits shall lapse six (6) months from the date of issue;
 - (e) that a lapsed Permit shall not be renewed or the fee refunded. If the work is not completed when a Permit lapses, a new Permit shall be applied for, for the work remaining.
 - (f) that water and sewer connection fees pursuant to the current water rate Bylaw and the current sewer Rate Bylaw have been paid in full.
 - (g) that, 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) that, where inspections additional to those required by this Bylaw are required due to violations or failure of the Permit holder to have the work accessible and ready at the time of the inspection is called for, the Building Inspector shall charge the additional inspection fee prescribed in Schedule "A" attached hereto; and
 - (i) that 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 City of Rossland, its elected and appointed officers and employees and agents, from and against all liability, demands, claims, actions, suits, judgments, losses, damages, costs or expenses whatsoever which I/we or any other person, partnership or corporation may have or incur arising from granting of this permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the city of Rossland’s Building Bylaw or the B.C. Building Code.
 - (j) I/we have read the above agreement, release and indemnity and understand it.

- (k) That neither issuance of a permit under this Bylaw nor the acceptance or review of plans, drawings or specifications and supporting documents, nor any inspection made by or on behalf of the Municipality relieves the owner or his or her agent from full and sole responsibility to perform all work in strict accordance with this Bylaw, the B.C. Building Code and all other applicable enactments and codes.
- (l) That it is the full and sole responsibility of the owner or his or her agent to carry out all work authorized by a permit under this Bylaw and in accordance with this Bylaw, the B.C. Building Code and all other applicable enactments and codes.
- (m) That neither the issuance of a permit under this Bylaw nor the acceptance or review of plans, drawings, or specifications or supporting documents, or any inspections made by or on behalf of the Municipality constitute in anyway a representation, a warranty, assurance or statement of compliance with the B.C. Building code, this Bylaw or any other applicable enactment or code.
- (n) That no person shall rely upon any permit or certification issued under this Bylaw as evidence that any work has been carried out or completed in accordance with this Bylaw or that this Bylaw has been administered or enforced according to its terms.

Contents of Application for Permit

- 7. (3) The application for a Permit shall
 - (a) be made in the form prescribed by the Council;
 - (b) be signed by the owner or his agent;
 - (c) state the intended use or uses of the building;
 - (d) state the true value for the proposed work;
 - (e) include as exhibits, copies for detached dwelling units in duplicate, and in triplicate for all others, of the specifications 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 dimension, 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 sitting of the new building and the sitting, use, height and horizontal dimensions of all existing buildings on the parcel referred to in subclause iii) on a plan with a minimum scale of 1 to 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
- (f) containing any and all other information necessary to establish compliance with this Bylaw, the Zoning Bylaw and any other applicable enactment.
- (g) include the following acknowledgments by the owner:
- (i) I/we acknowledge that if I/we are granted a Building Permit pursuant to this application that I/we are responsible for ensuring that the proposed construction complies with the B.C. Building Code, this Bylaw, and any other applicable enactment or standard relating to the work authorized by the permit, whether or not the work is carried out by me/us or by another person on my/our behalf.
 - (ii) I acknowledge that neither the issuance of a permit under this Bylaw the acceptance nor review of plans, specifications, drawings, or supporting documents, nor inspections made by the Municipality constitute a representation, warranty or other assurance that the B.C. Building Code, the Municipal Building Bylaw or any other applicable enactment or standard has been complied with.
 - (iii) I understand that I should seek independent legal advise in respect of the responsibilities which I/we are assuming upon the granting of a Building Permit pursuant to this application and in respect of this acknowledgment.
- (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 3(e) (iii) and showing access to the buildings, parking, driveways, or site drainage and finished grades all tied into the Municipalities 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 a building drain;
 - (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) meters of the building site.
- (5) 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, he may require, as a condition of the issuance of a Permit, that all drawings, specifications 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.

REVOCACTION OF PERMIT

- 8. (1) The Building Inspector may revoke a Permit where there is a 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 days after the date of mailing.

PHASED CONSTRUCTION

- 9. (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) (a) 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 application bylaws, enactments and regulations, and that all health and safety requirements have been met.
- (b) prior to the issuance of a partial Occupancy Permit, the owner shall pay the Municipality a fee equivalent to ten (10%) percent of the value of the remaining construction, and undertakes to complete it within six (6) months of the issuance of the Occupancy Permit.
- (c) upon the expiration of six (6) months after the issuance of an Occupancy Permit, if the remaining construction had been completed, the fee paid under subparagraph (b) shall be refunded to the owner without interest, and if construction has not been completed, the fee shall become the property of the Municipality.

TEMPORARY BUILDING

10. (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 a period not exceeding twelve (12) months;
- (3) Application 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 (\$1000.00) 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.

RESPONSIBILITY OF THE OWNER

11. (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 17.
- (2) Before a Building or Demolition Permit is issued, the applicant shall deliver to the municipality the deposit described in Schedule “A” to secure payment for injury to, destruction, defacement or disturbance of Municipal property, including installations, sewer, drainage and all utilities, roads and accesses, caused by the work for which the Permit was issued or by a person doing the work. The Municipality may apply the deposit towards making good such injury, destruction, defacement or disturbance, and shall return any balance to the applicant when an Occupancy Permit is issued or upon completion of all demolition work. Where, in the opinion of the Building Inspector, the nature of the work is such that it is unlikely to cause any injury and will have a value of \$2,500.00 or less, the Building Inspector may waive the requirements for a deposit.

GENERAL DUTIES OF THE OWNER

12. (1) An owner of real property shall:
 - (a) permit the Building Inspector to enter a building or premises at any reasonable time for the purpose of inspection;

- (b) obtain from the Municipality, or other authority having jurisdiction where applicable, permits relating to demolition, excavation, building, repair of 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; and
- (d) obtain elevation and construction requirements relative to Provincial Flood Plain Restrictions from the Ministry of Environment;
- (e) neither the granting of a Permit nor the acceptance of plans and specifications, nor inspections made by or on behalf of the Municipality, 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;
- (f) 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;
- (g) 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 provisions of this Bylaw.

RESPONSIBILITY OF OWNER DURING CONSTRUCTION

13. The Owner shall, during construction

- (1) ensure that 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 inspection by giving notice to the Building Inspector a minimum of one working day prior to the inspection being required.
 - (a) after the forms for footings and foundations are complete, but prior to placing of any concrete therein;
 - (b) after removal of framework from a concrete foundation and installation or perimeter drain tiles and damp-proofing, but prior to backfilling against foundation.
 - (c) when framing and 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) before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing system 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;
 - (e) 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;
 - (f) where it is deemed necessary by the Building Inspector, provide specialized professional information at the owner's 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 of 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 and safety requirements of any Municipal Bylaw or other enactment;
 - (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 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 Municipality;
 - (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) in cases where the existing building or buildings are demolished, destroyed, or otherwise removed from property connected to the sanitary sewerage system or to the storm sewer system, make arrangements to the satisfaction of the Superintendent of Public Services or else the Superintendent of Public Services shall cap off the sanitary sewer or storm sewer connection at the property line and the owner shall be liable for the fee provided for in Schedule “A”.
- (i) ensure that every connection to the Municipal sewer system shall be fitted with a backwater valve, being a device designed to prevent the reverse flow of sewage in a service connection, except;
- (j) where the Municipality has determined that, due to the elevation of a service connection, an actual or potential danger of a reverse sewage flow does not exist, and the Municipality exempts an owner from the requirement to install a backwater valve;
- (k) obtain, where applicable, a highway or street access permit to the real property; and
- (l) 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 them; and a copy of the Permit drawings and specifications on the property in respect of which the Permit was issued.

AUTOMATIC FIRE SPRINKLER SYSTEMS

Definitions:

14. (1) For the purposes of this section, 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 section:
- (a) **FIRE LIMIT AREAS** means one or more of Specified Fire Limit Area No. 1, Specified Fire Limit Area No. 2, and Specified Fire Limit Area No. 3, set out in section 14(2)
 - (b) **GROSS FLOOR AREA** means the total floor area a building on a parcel measured to the outer limits of a building including all areas giving access thereto, such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding auxiliary parking, unenclosed swimming pools, balconies or sundecks, elevators or ventilating machinery.
 - (c) **MEANS OF EXIT** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility, or combination of them, for the escape of persons from any point in a building, floor area, room or contained open space to a public thoroughfare or other unobstructed open space and includes exits and access to exits.

- (d) **NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS** means the “National Fire Protection Association Standards for the Installation of Fire Sprinklers - NFPA 13, 13(D) and 13(R) as may be amended from time to time.

Fire limit areas

14. (2) For the purposes of regulating the construction of certain buildings for precautions against fire:
- (a) all commercial, industrial, institutional and multiple family residential zones established within the City of Rossland Zoning Bylaw No. 1912, 1998, Schedule “B” (Zoning Bylaw map) and amendments thereto, are established as “Specified Fire Limit Area No. 1” and are described on the attached Schedule “B” to this Bylaw and titled “City of Rossland Specified Fire Limit Area No. 1”.
 - (b) all Resort Commercial Red Mountain Expansion Area zones, established within the Official Community Plan Amendment Bylaw (Red Mountain Expansion Area) #1979, Land Use Map B1-A and amendments thereto, are established as “Specified Fire Limit Area No. 2” and are described on the attached Schedule “C” to this Bylaw and titled “City of Rossland Specified Fire Limit Area No. 2”.
 - (c) all Residential - Secondary Suite (R-1 S/S) zones, as approved, from time to time, within the City of Rossland Zoning Bylaw, #1912, 1998, and amendments thereto, are established as “City of Rossland Specified Fire Limit Area No. 3”

Requirements within fire limit areas

- (3) Fire sprinklers are required to be installed in all buildings in the Fire Limit Areas constructed, renovated or altered at a time on or after this bylaw is adopted, except as provided in Sections 14(7) and (8).
- (4) A building permit shall not be issued for the construction, renovation or alteration of a building in the Fire Limit Areas unless the applicant for the building permit submits an engineered design drawing showing the location where fire sprinklers will be installed.
- (5) All sprinklers shall be installed in accordance with the National Fire Protection Association Standards for the Installation of Fire Sprinklers for the appropriate class of building, with the Building Code and any other applicable legislation.
- (6) All sprinklers installed shall include a certification by the installer of compliance with National Fire Protection Association Standards for the Installation of Fire Sprinklers Standards.
- (7) Notwithstanding Section 14(3), if an existing building is located within one of the Fire Limit Areas and is altered or renovated, then the owner will not be required to install sprinklers:
 - (a) If carrying out the renovations or alterations would mean adding additional Gross Floor Area to the building equivalent to 10% or less of the Gross Floor Area of the building, provided that all fire safety and life safety systems in place conform to the current edition of the B.C. Building Code.

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- (b) If carrying out renovations or alterations would mean adding additional Gross Floor Area to the building of a value equivalent to 10% or less of the current assessed value of the building, provided that all fire safety and life safety systems in place will conform to the current addition of the B.C. Building Code.
- (c) If carrying out renovations or alterations would mean no substantial changes to existing means of exit, or fire safety or life safety systems, but would mean only modernizing the interior or exterior of the existing building, provided that all fire safety and life safety systems in place conform to the current edition of the B.C. Building Code.
- (d) If constructing an addition to an existing building, designed, used, and intended to be used for non-domicile purposes.

and provided that the owner shall provide to the satisfaction of the authority having jurisdiction proof that the fire safety and life safety systems comply with the current edition of the BC Building Code.

- (8) Other than this subsection, section 14 shall not apply to:
 - (a) detached structures located more than 9 meters from the outside walls of any other buildings and less than 50 meters in total floor area and 140 cubic meters in total volume;
 - (b) buildings designed for temporary use during construction of larger permanent structures;
 - (c) single family dwellings and duplexes, other than single family dwellings and duplexes in the Fire Limit Areas.

TEMPORARY OCCUPANCY HIGHWAYS

- 15. (1) No person shall occupy a highway or portion of it in connection with the construction or maintenance of a building without first obtaining a Permit for that purpose from the Building Inspector.
- (2) The applicant for such a Permit shall agree in writing to indemnify and save harmless the Municipality from and against all claims, liability, costs and expenses arising out of the granting of highway occupancy and shall post with the Municipality an insurance policy to ensure that agreement.
- (3) Where a Permit is issued pursuant to this Section, no person shall occupy or encumber any portion of the highway beyond one-half of the width abutting the sidewalk and, in the event that no sidewalk exists, the encroachment shall not exceed three (3) meters provided, however, a wider encroachment will be permitted if a structure is built, according to plans approved by the Building Inspector, to protect any person using the highway.

FENCES AND WALKWAYS

- 16. (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 1.85 meters in height and at a distance beyond the street line directed by the Building Inspector.

- (3) A covered walkway shall be a minimum of 1.25 meters 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.

CLIMATIC DATA

17. The climatic data required for the design of buildings in the Municipality shall be in conformance with the values contained in the Supplement to the National Building Code of Canada, current addition or as may be determined from time to time by the authority having jurisdiction.

ESSENTIAL SERVICES

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

- (1) **Highway Access**

A highway within a dedicated road allowance of sufficient strength, grade and width is available to provide ready access to the property by fire and emergency vehicles at all times, as regulated under the Highway Access Bylaw #1734 and amendments thereto.

- (2) **Water Main**

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.

- (3) **Sewer**

Where a sanitary sewage disposal method other than the municipal sanitary sewer system is permitted under the bylaws of the City of Rossland, the owner shall obtain and present to the Building Inspector a sewage disposal permit which has been approved by the authority having jurisdiction and:

- (i) has not been appealed during the designated appeal period, or
- (ii) if appealed, has been disposed of in a manner which is satisfactory to the appeal body.

- (4) **Storm Drain**

An approved method of storm drainage disposal has been installed to service the building or structure.

- (5) **Access To Driveway**

A driveway of sufficient strength, grace and width for access from the highway to all buildings by fire and emergency vehicles, as regulated under the Highway Access Bylaw #1734 and amendments thereto.

BUILDING MOVES

19. (1) No person shall move or cause to be moved any building into the Municipality, or from one parcel to another in the municipality without first obtaining a Permit to carry out such move and to site the building on the parcel to which it is to be moved.
- (2) The following conditions apply to the issuance of a Building Moving Permit under this Section if the building to be moved is residential:
 - (a) applications for building moves shall be brought before the Council for its information and shall include photographs showing all four sides of the building; and
 - (b) the building shall either meet the requirements of the Building Code prior to its move or be rehabilitated to Building Code requirements with six (6) months from the issuance of the Permit to move.
- (3) The following conditions apply to all buildings 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, and
 - (b) the application for a Permit to move 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 Municipality.

The letter of credit may be drawn upon by the Municipality 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 Municipality shall be returned to the depositor after an Occupancy Permit in respect of the work has been issued.

POOLS

20. (1) An application for a Permit for the construction of a pool shall be accompanied by a Plan showing the location of the proposed pool, and all water supply piping, waste piping and appurtenances. The outfall for the disposal of waste water shall be approved before the Permit is issued.
- (2) (a) A swimming pool shall be totally enclosed by a fence or building or a combination of a fence and building not less than 1.5 meters in height. The base of every fence shall not be more than 100mm above ground or adjacent grade; and be built to prevent children from going over, under, or through the fence or barrier.
- (b) Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with self-latching devices located on the swimming pool side of the fence at a height of at least 1.0m above grade or on the outside of the fence at 1.5m above grade.
- (c) the location of the swimming pool shall meet the requirements and provisions of the Zoning Bylaw of the City of Rossland with respect to front and side yards.

Bylaw 2079- 2000

- (d) no swimming pool shall be located less than 3 meters from any rear lot line.
- (e) for the purposes of this Section “Swimming Pool” shall include any constructed pool used or intended to be used for swimming, bathing, or wading, which is over .6 meters in depth and has a surface area exceeding fourteen square meters (14m²).

FIXTURES

21. (a) All water closets (toilets) installed within the City of Rossland on or after December 1st, 2005 shall be of a design that uses no more than six (6) litres per flush, without the aid of any add-on or retrofit devices.
- Bylaw 2306 - 2005 (b) All shower heads installed in any residential use building in the City of Rossland on or after December 1st, 2005, shall be of a design that limits the flow rate to 9 litres per minute or less.
- (c) All lavatory (bathroom) and kitchen faucets installed in any residential use building in the City of Rossland on or after December 1st, 2005, shall be of a design that limits the flow rate to 8 litres per minute or less.

RETAINING WALLS

22. 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 back fill 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.

PENALTIES

23. (1) A person who:
- (a) violates a provision of the Building Code or of 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 offense 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 offense.

ENACTMENT

24. (1) Bylaws #1791, #1846, #1863, #1864 & #1925 are hereby repealed.

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

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
PUBLISHED PURSUANT TO BYLAW #1962
RECONSIDERED AND FINALLY ADOPTED

this 9th day of March, 1998
this 14th day of September, 1998
this 14th day of September, 1998
this 21st day of September, 1998
this 26th day of October, 1998

Mayor

City Clerk

THE CORPORATION OF THE CITY OF ROSSLAND
BYLAW #1978
SCHEDULE "A" - FEES

<i>Bylaw 2151 - 2002</i>

A. BUILDING PERMIT FEES

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

Declared or Assessed Value

The permit for the construction, reconstruction, addition, extension, alteration and repair of any buildings or any other work requiring a permit and not specifically listed here:

Minimum fee:\$40.00

\$7.00 per \$1,000.00 or portion thereof.

The fee for each plumbing fixture, which includes all traps and hot water tanks shall be:

\$10.00 per fixture when issued in conjunction with a Building Permit or

\$10.00 per fixture plus \$75.00 flat rate when issued separately from a Building Permit.

B. NON-REFUNDABLE APPLICATION FEE*

Every permit application shall include a non-refundable application fee:

- Actual Permit Fee up to \$10,000.00 of construction cost
- \$50.00 for each application with construction costs between \$10,000.00 to \$50,000.00
- \$150.00 for each application with construction costs valued over \$50,000.00.

* This fee will be applied against the cost of the permit.

C. RELATED BUILDING PERMIT FEES

Re-inspection Fee\$75.00

Demolition Fee\$50.00

Moving Permit Fee\$75.00

Temporary Building Permit Fee\$75.00**

Mobile Home or Modular Home Placement Fee.....\$75.00**

Minimum Inspection Fee\$50.00

** Plus construction values of new work on-site such as foundations, basements, additions and plumbing.

D. BUILDING PERMIT REFUNDS

Where a Permit has been issued pursuant to this Bylaw and construction has not commenced:

- 75% of the permit fee may be refunded upon application for the cancellation of the permit.
- No refund in the amount of less than \$50.00 shall be made.
- Applications for refunds must be received within 12 months of permit issuance.

E. NOTICE ON TITLE

Administrative charge to remove.....\$200.00

**THE CORPORATION OF THE CITY OF ROSSLAND
BUILDING BYLAW #1978**

**SCHEDULE “B”
“CITY OF ROSSLAND SPECIFIED FIRE LIMIT AREA NO. 1”.**

**THE CORPORATION OF THE CITY OF ROSSLAND
BUILDING BYLAW #1978**

**SCHEDULE “C”
“CITY OF ROSSLAND SPECIFIED FIRE LIMIT AREA NO. 2”.**