

# TOWN OF LADYSMITH



## **“Building & Plumbing Bylaw 1994, No. 1119”**

*Consolidated Version as on July 30, 2021  
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

September 19, 1994

Includes Amendment Bylaw Nos.:1178, 1196, 1398, 1446, 1476, 1479, 1487, 1512, 1551,  
1571, 1629, 1704, 1740, 1745, 1782, 1820, 1825, 1988, 2048

TOWN OF LADYSMITH

**BYLAW NO. 1119**

**Building and Plumbing Bylaw**

**Bylaw 1196** **WHEREAS** the Municipal Act and the regulations thereunder provide that the British Columbia Plumbing Code apply to the municipality;

**AND WHEREAS** the Municipal Council may by Bylaw regulate construction and related matters, and provide for the administration of the Building Regulations;

**NOW THEREFORE** the Municipal Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

**1. DEFINITIONS**

In this Bylaw:

**"Acceptable"** means acceptable to the authority having jurisdiction.

**"Addition"** means any alteration to a building which increases the floor area of the building, and includes the linkage of two or more buildings by openings providing access between buildings.

**"Agent"** means a person authorized by an Owner to represent the Owner for the purpose of this Bylaw.

**"Alteration"** means a change or extension to any matter or thing or to any occupancy regulated by this Code.

**"Assessed Value"** means the most recent assessed value of a building as determined by the Assessment Authority of British Columbia.

**"Authority Having Jurisdiction"** as used in the Building Code means for the purposes of this bylaw the Building Inspector.

**"Basement"** means a storey or storeys of a building located below the first storey.

**"Bearing Surface"** means the contact surface between a foundation unit and the soil or rock upon which it bears.

**"Building"** means any structure used or intended for supporting or sheltering any use or occupancy

except those prescribed by regulation as exempted from the Building Code.

**"Building Code"** has the same meaning as the "British Columbia Building Code" and the building regulations of British Columbia made pursuant to the Municipal Act.

**Bylaw  
1476**

**"Building Envelope Repair"** means a renovation conducted under the *Homeowner Protection Act* Building Envelope Renovation Regulation B.C. Reg. 24/2000 and the *Homeowner Protection Act* Building Envelope Renovation Regulation Amendment Order in Council No.1279 and subsequent regulations. **"Building Inspector"** means the person or persons appointed from time to time by the Council as Building Inspector and it includes Deputy and Assistant Building Inspectors.

**"Building of New Construction"** means a new building constructed as a separate entity, or an addition to an existing building where the addition has no internal pedestrian connection with the existing building.

**"Construction Value"** means the value of construction provided by the builder or his agent or a construction valuation calculation accepted as an equivalent by the Building Inspector.

**"Council"** means the Council of the municipality of Ladysmith.

**"Disabled Person"** means a person who has a loss, or a reduction, of functional ability or activity and includes a person in a wheelchair and a person with a sensory disability.

**"Engineer"** means the Superintendent of Public Works of the Town appointed by Council or such other person as may, from time to time, be appointed by the Engineer to act on his behalf.

**"Excavation"** means the space created by the removal of soil, rock or fill for the purposes of construction.

**"Field Review"** means a review of the work

- (a) at a project site of a development to which a building permit relates, and
- (b) where applicable, at fabrication locations where building components are fabricated for use at the project site that a registered professional in his or her professional discretion considers necessary to ascertain whether the work substantially complies in all material respects with the plans and supporting documents prepared by the registered professional for which the building permit is issued.

**"First Storey"** means the uppermost storey having its floor level not more than 2 m above grade.

**"Floor Area"** means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies.

**"Foundation"** means a system or arrangement of foundation units through which the loads from a building are transferred to supporting soil or rock.

**"Grade"** (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground. (See First Storey).

**"High Building"** means a building as described in part 3 of the Building Code.

**"Major Occupancy"** means the principal occupancy for which a building or part thereof is used or intended to be used, and shall be deemed to include the subsidiary occupancies which are an integral part of the principal occupancy.

**"Multiple-Family Residential Building"** means a building containing three or more dwelling units.

**"Municipality"** means the Town of Ladysmith.

**"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

**"Owner"** has the same meaning as in the Municipal Act.

**"Permit"** means a Permit required or issued pursuant to this bylaw and includes a Building Permit, a Plumbing Permit, a Demolition Permit, a Moving Permit and a Driveway Permit.

**"Plumbing Inspector"** means the person or persons appointed, from time to time, by the Council and includes duly authorized delegates.

**"Plumbing System"** means a drainage system, a venting system and a water system or parts thereof.

**"Portable"** means easily capable of being moved from place to place.

**"Professional Design"** means the design of a building or structure by a Registered Professional and requires that all plans, specifications and related documents bear the seal or stamp of the Registered Professional.

**"Rear Yard"** means that portion of a parcel parallel to the abutting street located behind the minimum front lot line setback.

**"Registered Professional"** means a person who is registered or licensed to practice in the Province of British Columbia as an Architect under the Architects Act or as a Professional Engineer under the Engineers and Geoscientists Act.

**"Retaining Wall"** means a wall built to hold back water or the earth of an embankment.

**"Storey"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**"Street"** means any highway, road, boulevard, square or other improved thoroughfare 9 m or more in width, which has been dedicated or deeded for public use, and is accessible to fire department vehicles and equipment.

**"Temporary"** means a period of time not exceeding one year which may be extended by Council resolution once.

## **2. SCOPE AND EXEMPTIONS**

2.1 This Bylaw applies to all of the area within the Town of Ladysmith.

## **3. PROHIBITIONS**

3.1 No person shall commence or continue any excavation, construction, alteration or repair of any building or structure unless a valid and subsisting building permit has been issued for the work by a Building Inspector.

3.2 No person shall occupy or use any construction, alteration or repair of any building or structure unless a valid and subsisting building permit has been issued for the work by a Building Inspector.

3.3 No person shall demolish, move or relocate a building or structure unless a valid and subsisting permit has been issued by a Building Inspector.

3.4 No person shall occupy or use any building or structure contrary to the terms of any permit previously issued or notice given by a Building Inspector.

3.5 No person shall, unless authorized by a Building Inspector, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit, order or certificate posted upon or affixed to any building or structure pursuant to this Bylaw. No person shall do any work or carry out any construction contrary to a provision or requirement of this bylaw or the Building Code.

3.6 No person shall do any work that is at variance with the approved descriptions, plans and specifications of a building, structure, work or thing for which a permit has been issued, unless that variance has been approved in writing by a Building Inspector.

3.7 No person shall interfere with or obstruct the entry of a Building Inspector on property in the administration of this Bylaw.

3.8 Exceptions:

3.8.1 A building permit shall not be required for the routine repair of plumbing or non-structural features of a building or structure.

***Bylaw 1512***

3.8.2 No permit shall be required for construction of a fence or retaining wall of 1.2 m in height or less located behind the minimum front yard setback permitted in the current Zoning Bylaw.

3.8.3 No permit shall be required for any building or structure of less than 100 sq.ft. in area, complying with all setback requirements in that zone and portable in nature.

***Bylaw 2048***

3.8.4 No permit shall be required for temporary construction for the purposes of filming for which a valid film permit has been issued pursuant to Town of Ladysmith "Film Bylaw 2021, No. 2045.

**4. AUTHORITY OF THE BUILDING INSPECTOR**

4.1 The Building Inspector is authorized to:

4.1.1 administer this Bylaw

4.1.2 keep records of applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this Bylaw

4.1.3 determine whether the method or type of construction or material used in the construction of building or structure conforms with the requirements and provisions of the Building Code.

4.1.4 review the application as it relates to the provisions of the current zoning bylaw or subdivision development bylaw and any other relevant bylaws.

it being understood that the purpose of the Building Inspector's function is to enforce the provisions of this bylaw and not to warrant or represent to any person that a building is constructed in a safe and proper manner or in compliance with any enactment.

## **5. POWERS OF THE BUILDING INSPECTOR**

### 5.1 The Building Inspector:

5.1.1 may enter any property at any reasonable time for the purpose of ascertaining that the regulations of this Bylaw are being observed

5.1.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice twenty-four hours in advance of entry

5.1.3 shall carry credentials confirming his or her status as a Building Inspector.

5.2 The Building Inspector may revoke or refuse to issue a permit where the results of tests of materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory.

5.3 The Building Inspector may order the correction of any work which is being or has been done contrary to a provision or requirement of this bylaw or the Building Code or contrary to any term or condition of a permit.

5.4 The Building Inspector may suspend work where any building under construction, in whole or in part:

5.4.1 does not conform to this Bylaw or any enactment, or

5.4.2 contravenes the specifications or the plans submitted with the application for a permit, or

5.4.3 is being constructed without a permit;

### ***Bylaw 1512***

and may order the immediate suspension of all or any portion of construction by attaching an inspection report to that effect (Schedule "I") to the building and shall provide notice to the owner of the real property on which the building stands by sending a copy of the notice by double registered mail.

5.5 A notice to suspend work shall not be lifted until the contravention referred to in subsection 5.4 has been corrected.

**6. PERMIT APPLICATIONS**

- 6.1 Every person shall apply for and obtain:
- 6.1.1 a building permit before constructing, repairing or altering a building or structure, or when any change in class of occupancy occurs
  - 6.1.2 a plumbing permit before installing, repairing or altering any plumbing and similar works as set out in Section 3.2. (The Building Inspector shall require evidence of plumbing trade qualification for owner-occupied installations.)
  - 6.1.3 a demolition permit before demolishing a building
  - 6.1.4 a building moving permit before moving a building to any property
  - 6.1.5 a sign permit before constructing or placing a sign regulated by the Sign Bylaw.
  - 6.1.6 a driveway access permit before constructing the driveway
  - 6.1.7 a building permit for the construction of any retaining wall or fence unless excepted by Section 3.8.2.

***Bylaw 1512***

- 6.2 An application for a permit shall:
- 6.2.1 be made in the form attached as Schedule A to this Bylaw
  - 6.2.2 include as exhibits two copies of the specifications and scale drawings of the building or structure with respect to which the work is to be carried out showing:
    - 6.2.2.1 the dimensions of the building
    - 6.2.2.2 the proposed use of each room or floor area
    - 6.2.2.3 the dimensions and proposed finished grade elevations, floor elevations and drainage patterns of the land on which the building is, or is to be, situated
    - 6.2.2.4 the grades and elevations of the streets and sewers abutting the land when reasonably required by the Building Inspector
    - 6.2.2.5 the minimum habitable floor elevation according to geodetic datum, when reasonably required by the Building Inspector



**Bylaw 1178**

- 6.2.2.6 the position, height and horizontal dimensions of all buildings on the land
- 6.2.2.7 a survey of the building site by a registered provincial surveyor
- 6.2.2.8 Except as provided otherwise in the bylaw where an owner of land constructs or causes construction to a building, the owner shall install fire sprinkler system throughout the entire building. A building permit will not be issued for such construction unless the applicant for the building permit submits a design drawing showing location where fire sprinklers will be installed. The sprinkler system shall be installed and maintained to standards as set out in the British Columbia Building code or to the required standards of the National Fire Protection Association (N.F.P.A.) current as of the date of the permit.

The requirements in Section 6.2.2.8 shall not apply where:

- a) The construction will result in the creation and/or location of no more than a single residential unit on the parcel.
- b) The construction will consist only of alterations to an existing building or structure and the value of construction will not exceed 50% of the assessed value of the building as determined by the B.C. Assessment Authority in the assessment immediately preceding the application.
- c) The construction will result in the addition to an existing building that will not exceed 25% of the existing floor areas of the building or a maximum gross floor area of 200 sq. metres (2152.8 sq.ft.) whichever is the lesser.
- d) The construction will result in the construction of a detached building(s) having a total gross floor area of less than 100 sq. metres (1076.4 sq.ft.).
- e) The construction is authorized by a valid and subsisting building permit issued on or before September 30, 1995.
- f) The construction will result in an unoccupied mechanical building not exceeding 300m<sup>2</sup> or a non-combustible building used only for a car wash which does not exceed 300m<sup>2</sup>.

**Bylaw 1446**

- g) Non-combustible canopies over gasoline pumps or other areas where flammable liquids are handled.
- h) That this section only applies to the area of the Town of Ladysmith as identified in heavy black line on the map attached to and forming part of “Building and Plumbing Bylaw 1994, No. 1119” identified as Schedule “K”.

*Bylaw 1479*

*Bylaw 1487*

- i) For the purposes of this section any construction of or to a building shall be deemed to include construction for which a permit was issued within the thirty six (36) months immediately preceding the application for a permit.

6.2.2.9 such other information as is necessary to illustrate all essential features of the design of the building and to establish compliance with this Bylaw and the Building Code.

*Bylaw 1571*

6.2.2.10 For any alteration or addition to a building having a non-conforming side yard setback, as required under the provisions of the Town’s Zoning Bylaw, the lesser of the side yard setbacks shall be deemed to be the non-conforming setback.

6.2.3 be accompanied, when pertinent ,by an application for a driveway permit in the form attached as Schedule "C" to this Bylaw.

6.2.4 notwithstanding any other provisions of this Bylaw or the Building Code, the Building Inspector shall 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 design and construction. One or two family dwelling units shall be exempted from these requirements.

6.3 Professional Certification

Where the Building Inspector considers that:

- (a)the site conditions, or
- (b)the size or complexity of (i) the development, or (ii) an aspect of the development

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

6.4 Endorsement and Notice under Section 7.1

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

"Take notice that the \* of \*, in issuing this permit has relied upon the certification of compliance of \_\_\_\_\_, professional Engineer or Architect, submitted with the plans of construction, that the plans comply with the current British Columbia Building Code and other applicable enactments respecting safety of the building or structure."

***Bylaw 1512***

6.5 An application for a plumbing permit for fireline or sprinkler installation shall be in the form attached as Schedule "A" to this Bylaw.

6.6 When required by a Building Inspector, an application for a plumbing permit shall be accompanied by a plan that shows the location and size of every building drain and of every trap or inspection piece on a building drain, and a sectional drawing showing the size and location of every soil-or-waste pipe, trap and vent pipe.

6.7 The applicant for a demolition permit shall pay the estimated costs of capping off Town water and sewer services prior to the issuance of the demolition permit.

6.8 An application for a sign permit shall be in the form attached to the Sign Bylaw.

***Bylaw 1512***

6.9 An application for a building moving permit shall be in the form attached as Schedule "A" to this Bylaw.

6.10 All plans submitted with permit applications shall bear the name and address of the designer, architect or engineer.

6.11 An application for any permit required by this Bylaw will be cancelled if permit fees are not paid within six months from the date of notification to the applicant that the Town is prepared for permit issuance.

**Bylaw 1820**    6.12    Water Conservation

6.12.1 Every water closet, whether tank type or dual flush, must be of a low consumption type that

- (a) conforms with the latest Canadian Standard Association (CSA) standards, and
- (b) has an average water consumption not exceeding 4.8 litres per flush cycle.

6.12.2 Direct flush urinals must be of a low consumption type that

- (a) conforms with the latest Canadian Standard Association (CSA) standards, and
- (b) has an average water consumption not exceeding 1.9 litres per flush cycle.

6.12.3 The water supply to urinal flush tanks equipped for automatic flushing must be controlled with a timing device in order to limit operation during normal working hours.

**Bylaw 1745**    6.13    Solar Hot Water Ready Regulations

6.13.1 Solar Collectors for a Solar Domestic Hot Water System:

- 1) Subject to subsection (2), a conduit run and an area of not less than 7.29 square metres designated for future installation of solar collectors for a solar domestic hot water system must be incorporated in new construction of buildings of residential occupancy containing not more than one dwelling unit, excluding secondary suites.
- 2) Subsection (1) does not apply where it can be shown that conditions exist that do not accommodate effective use of solar hot water heating.

6.13.2 Structural Requirements

- 1) Structural members of areas referred to in Section 6.13.1 (1) must be designed to accommodate the anticipated load, but no less than an additional load of 0.2 kpa in addition to design loads required by the British Columbia Building Code.

### 6.13.3 Conduit Runs

- 1) At least one straight, continuous, conduit run must be provided that extends from the area directly adjacent to the building's primary service water heater to:
  - (a) an accessible attic space adjacent to the roof area designated for installation of solar collectors for a solar domestic hot water system,
  - (b) the roof area designated for installation of solar collectors for a solar domestic hot water system, or
  - (c) The exterior wall surface directly adjacent to the area designated for installation of solar collectors for a solar domestic hot water system.
- 2) A conduit described in subsection (1) must:
  - (a) be accessible at both ends,
  - (b) be capped or sealed at both ends to prevent water ingress and air leaks,
  - (c) be identified by markings that are permanent, distinct and easily recognized, and
  - (d) have a minimum inside diameter of 50mm if two conduit runs are provided, or 100mm if only one conduit run is provided.

## 7. **PERMITS**

### 7.1 Where:

- a) a completed application has been made;
- b) the proposed work set out in the application conforms with this Bylaw and all other applicable Bylaws, Building Code and enactments;
- c) the applicant has paid the fee prescribed as set out in Schedule "J" to this Bylaw;
- d) the applicant has paid all charges and met all requirements imposed by any other enactment or Bylaw;

### ***Bylaw 1479***

a Building Inspector shall issue the permit for which the application is made, in the form of Schedule "B" attached to this Bylaw

- 7.2 Every Permit is issued upon the condition that the permit shall expire and the rights of the Owner under the permit shall terminate if:

- a) the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit;
  - b) the work although commenced is not continuously and actively carried out thereafter;
  - c) work is substantially discontinued for a period of 6 months.
- 7.3 Each building to be constructed on a site shall have a separate Building permit and shall be assessed a separate Building permit fee based on the value of that building.
- 7.4 No plumbing permit is required for an clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures or hot water tanks.
- 7.5 Subject to the requirements of this or any other Bylaw, a Building Inspector may issue a building permit for the erection or placement of a temporary building or structure.
- 7.6 A Building Inspector may revoke a permit where there is violation of:
- a) any conditions under which the permit was issued;
  - b) any provision of the Building Code or this Bylaw.
- 7.7 Revocation shall be in writing, a copy posted on the site, and transmitted to the permit holder by double registered mail.
- 7.8 Disclaimer of Warranty or Representation

Neither the issuance of a permit under this Bylaw, the review and approval of the drawings, plans and specifications, nor inspections made by the Building Inspector, shall in any way constitute a representation, warranty or statement that the Building Code or this Bylaw has been complied with or that the building or structure meets any standard of materials and workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard.

## 8. **REQUIREMENT FOR REGISTERED PROFESSIONAL**

- 8.1 When a Building Inspector considers that the site conditions, size or complexity of a development or an aspect of the development warrants, he may require professional design and field review.

- 8.2 When a Building Inspector requires professional design and field review, the Owner shall prior to the issuance of a permit, submit forms from a Registered Professional as required by the Building Code.

9. **RESPONSIBILITIES OF THE OWNER**

- 9.1 Neither the granting of a permit, the approval of drawings and specifications, nor inspections made by a Building Inspector shall in any way relieve the Owner and builder from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this Bylaw and the Building Code and other applicable enactments.
- 9.2 Every Owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works or services or a highway that occurs in the course of the work authorized by the permit.
- 9.3 Every Owner to whom a permit is issued shall, during construction, keep:
- a) the permit posted in a conspicuous place on the property in respect of which the permit is issued;
  - b) a copy of the approved drawings and specifications on the property in respect of which the permit was issued.

10. **INSPECTIONS**

- 10.1 Every Owner shall give at least 48 hours notice to a Building Inspector prior to the start of work on the building site.
- 10.2 Every Owner shall give at least 48 hours notice to a Building Inspector requesting an inspection and shall obtain an inspection and receive approval of the work by a Building Inspector at the following stages:

10.2(a) notwithstanding section 10, no inspections are required or will be provided for a building envelope repair if:

- i) the repairs are supervised by a coordinating registered professional, providing a Schedule "A: from the Building Code who has successfully completed the AIBC Modules.
- ii) the appropriate schedules B1 and B2 are provided as required by the Building Inspector.
- iii) all progress reports issued by the registered professionals are provided to the Building Inspector.

- 10.2(b) When issued in conformance with section 10.2(a) the charge for a Building Permit for any value of building envelope repair shall be \$100 for processing.
- 10.2.1 after the forms for footings and/or foundations are complete, and after having obtained a form check survey certificate from a registered British Columbia Land Surveyor as to their location in relation to parcel boundaries, but prior to placing any concrete therein;
  - 10.2.2 after removal of formwork from a concrete foundation and installation of perimeter drain pipe and dampproofing but prior to backfilling against the foundation;
  - 10.2.3 after granular base materials, dampproofing membrane and if applicable, reinforcing steel has been placed for the installation of a concrete floor slab but prior to placing of concrete;
  - 10.2.4 before a building drain, sanitary or storm sewer is covered. If any part of a plumbing system is covered before it is inspected and approved it shall be uncovered if a Building Inspector so directs, and when considered necessary, underground building drains, branches, storm drains, and sewers shall be retested after the completion of all backfilling and grading by heavy equipment;
  - 10.2.5 when framing and sheathing of the building are complete, including fire-stopping, bracing, chimney duct work, plumbing, gas venting, wiring, but before any insulation, or other interior or exterior finish is applied which would conceal such work;
  - 10.2.6 after the placing of insulation and vapour barrier but before any interior finish is applied;
  - 10.2.7 after the building or portion thereof is complete and ready for occupancy, but before any occupancy of the building.
- 10.3 Prior to the occupancy of any building or part thereof after construction or alteration, or any change in class of occupancy, the owner or occupier shall obtain an occupancy inspection from a Building Inspector, which shall not be conducted until the building or part thereof complies with the requirements of this Bylaw and all other requirements relating to the construction and occupancy of the building.
- 10.4 In all cases where it is proposed to conduct the waste from plumbing fixtures, trade waste or surface or roof water to a public sewer the Owner shall ensure that such public sewer is at a sufficient depth and of a capacity to receive such discharge; and shall arrange the plumbing to suit the location of the connection provided for the lot.



- 10.5 Where it is desired to connect a building sewer or storm sewer with any building sewer or storm sewer extension, the Owner shall furnish such information as the Engineer 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.

## 11. **OCCUPANCY INSPECTIONS**

### 11.1 Tests: The Building Inspector:

- 11.1.1 shall retain as public records copies of the results of all tests ordered and carried out under the Building Code after construction is completed;
- 11.1.2 may revoke or refuse to issue a Permit where, in his opinion, the results of tests referred to in 6.3.1 are not satisfactory; and
- 11.1.3 may order the correction of any work which he considers is being or has been improperly done.

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.

### 11.2 An owner shall request an occupancy inspection prior to occupancy for:

- 11.2.1 every new building
- 11.2.2 every existing building which has been altered, added to or partially wrecked or reconstructed
- 11.2.3 every building where any change in the class of occupancy thereof, or of any part thereof is contemplated
- 11.2.4 every building where any change from one major occupancy group as set out in the Building Code to another is contemplated, or where any change from one division to another within a major occupancy group of any existing building or part thereof is contemplated

- 11.2.5 every building where any change is contemplated from one use or another within the same division in a major occupancy group which results in an increase in the occupant load or fire load or both.
- 11.3 Every building which requires an occupancy inspection shall comply with the construction requirements for the major occupancy group to be located therein.
- 11.4 No person shall occupy a building which requires occupancy inspection until a satisfactory inspection has been completed.
- 11.5 Every applicant for an occupancy inspection other than for a single family or duplex residence shall provide the following information prior to occupancy inspection:
- 11.5.1 certification by an Architect or Engineer that the building or applicable portion thereof conforms to the approved plans and requirements of this Bylaw
  - 11.5.2 the anticipated date of completion
  - 11.5.3 classification of the building as to types of occupancies
  - 11.5.4 number of storeys of buildings
  - 11.5.5 gross floor area of each storey, and allowable live loads for each floor area
  - 11.5.6 such other information as may be required to illustrate the essential features of the building.
- 11.6 At least 24 hours prior to a requested occupancy inspection, the certification required in subsection 11.4.1 shall be supported by submission of the following reports:
- 11.6.1 proof of compliance for all materials, equipment or methods of construction, when required by the Building Inspector
  - 11.6.2 where the complexity of the project or portions thereof required supervision by a Registered Professional as a condition of issuance of the building permit, certification that the work complies with all requirements of the Building Code and this Bylaw
  - 11.6.3 a "Contractor's Material and Test Certificate", once the sprinkler system has been flushed, inspected, and tested to meet NFPA-13 standards

- 11.6.4 a "Certificate of Verification" (or equivalent) together with the manufacturer's (inventory) "Inspection Report", after the components of all fire alarm systems incorporating annunciator panels, have been inspected and verified to meet the manufacturer's specifications and the Building Code, and the whole system or applicable portion thereof has been tested by the manufacturer, or owner and installer.
- 11.7 In addition to the requirements in Section 11.5 a "high building" under the provisions of Part 3 of the Building Code shall undergo prior professional field review and monitored testing to substantiate in writing the operation and suitability of the following devices:
- 11.7.1 by the Electrical Design Engineer, the components of required communications systems; emergency power sources; exit and corridor lighting; emergency lighting; circuits and electrical control devices for elevators; ventilation, pressurization, smoke control and automatic fire suppression system; and other applicable monitoring systems;
- 11.7.2 by the Mechanical Design Engineer, the components of all systems for air handling, smoke control, exhaust, pressurization, automatic fire suppression, fire fighting water supply and pumps.
- 11.8 The owner of every "high building" shall have prepared and reproduced onto durable material and shall retain:
- 11.8.1 an approved "Inventory Control" with an illustration legend locating all fire emergency systems;
- 11.8.2 a "Preventive Maintenance and Testing Schedule" supplement, designed for the fire emergency components and systems;
- 11.8.3 a comprehensive "Fire Safety Plan" approved by the Fire Chief for communication, evacuation and operation of the fire emergency system;
- 11.8.4 a "Maintenance Log Book" designed to meet the intent of subsection 11.7.2.

## 12. **SWIMMING POOLS**

- 12.1 No person shall commence or continue any work related to the installation, construction and alteration of a swimming pool or related ancillary equipment unless a valid permit has been obtained pursuant to this Bylaw.

- 2.2.1 Fences shall be constructed around the perimeter of swimming pools and shall be not less than 1.8 m high and no closer than 1.0 m from the edge of the pool. The base of every fence shall be not more than 100 mm (4 inches) above ground or adjacent grade
- 12.2.2 No horizontal or angled framing member shall be located on the outside of the fence between 200 mm (8 inches) and 900 mm (36 inches) above ground level or adjacent finished grade. Fences composed of vertical members shall have no openings of a size which will permit the passage of a spherical object having a diameter of 100 mm (4 inches). Fences composed of angle members shall have no openings between adjacent members greater than 13 mm (1/2 inch).
- 12.2.3 Notwithstanding the provisions of this Section, standard chain link wire mesh may be acceptable provided that such fence is a minimum of 1.8 m in height.
- 12.2.4 Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with a self-latching device located on the swimming pool side of the fence.
- 12.2.5 Every fence enclosing a swimming pool shall be maintained by the Owner or occupier of real property in good order and repair, and adequate to perform its intended function. All sagging gates, lose parts, worn latches and broken or binding members shall be promptly and adequately replaced and repaired.

### 13. **RELOCATION OF BUILDINGS**

13.1 No person shall:

- 13.1.1 move or cause to be moved any building or structure without first obtaining a building moving permit;
- 13.1.2 move or caused to be moved any building or structure unless it has been determined to the satisfaction of the Building Inspector that the building or structure meets the requirements of the Building Code and any enactments;  
or

the applicant provides plans and specifications to the satisfaction of the Building Inspector detailing any and all upgrading required to meet the requirements of this Bylaw and any enactments after the building is moved to a new site; or

**Bylaw 1398**

13.1.3 relocate a building or part of it to another parcel of land within the Municipality unless it can be shown that, within six months of the relocation, the dwelling's exterior appearance and the landscaping of the property must be of a higher standard than the average of other parcels within 50 metres of the site or parcel of land to which the building is to be moved and the assessed value is not less than 100% of the average assessed values and this determination is to the satisfaction of the Manager of Development Services or designate.

**Bylaw 1740** 13.2

13.2.1 A person who applies for a permit to a building or structure or parts of them either within or into the Municipality shall deposit with the Building Inspector a certified cheque or other financial security in the amount of Five Thousand Dollars (\$5,000.00) payable to the Municipality, in a form satisfactory to the Chief Financial Officer to ensure that the building shall be completely re-erected on the new site within twelve months of the date of issuance of the Moving Permit.

13.2.2 If the building or structure referred to in 13.1.1 is not completed within the specified time, the Building Inspector may send a written notice to the applicant stating that the building does not comply with this Bylaw or other enactment and direct the applicant to remedy the non-compliance within thirty days from the date of the notice. If the non-compliance is not remedied within the period of thirty days, the Municipality may use the security to remedy the non-compliance, and if the cost to remedy exceeds the amount of the security then the amount of the difference may be recovered by the Municipality as taxes in accordance with applicable *Community Charter* provisions.

13.2.3 Section 13.2.1 does not apply to a person who applies for a permit to move a mobile home currently located within the Town of Ladysmith to a new site within the Town of Ladysmith where the move is necessary to permit the relocation of a mobile home because of a termination of the site use agreement for the original site and the relocation will permit the continuation of a supply of affordable housing.

13.3 Any building moved into the Municipality shall be of an age not greater than 15 years and at the request of the Building Inspector, the applicant shall furnish proof, to the satisfaction of said Inspector, of the age of the building to be moved.

13.4 Except as provided by Subsection 13.5 of this Section, any new building moved into the Municipality shall have been inspected by a Building Inspector of the Municipality as it is being built; shall have a minimum width of 6.5 meters; and shall conform in every respect to all relevant Bylaws of the Municipality.

- 13.5 Subsection 13.4 of this Section shall not apply to a new factory built residential building that complies in every respect to the Building Code, as to the construction thereof, and which is to be erected on a site in compliance with the Bylaws of the Municipality.
- 13.6 Every person applying for a permit to move a factory built building shall and at the request of the Building Inspector, furnish proof, to the satisfaction of said Inspector:
- 13.6.1 the Canadian Standards Association Standard A277 for a factory built residential building,
- 13.6.2 the professional design and field review for commercial, industrial, institutional and multi-family residential buildings.
- 13.7 Every applicant shall also furnish proof of liability insurance to cover the moving of the building in an amount not less than two million dollars. The policy of which insurance shall be endorsed to include the Municipality as an added named insured insofar as liability may be created by the granting of any permission under this Bylaw.
- 13.8 No building moving permit shall be issued until the applicant has paid all charges and met all requirements imposed by any other statute or Municipal Bylaws. The applicant is responsible for obtaining all other permits that may be required by other authorities.
- Bylaw 1398*  
*Bylaw 1740* 13.9 Every person relocating a building or structure from a site within the Municipality shall ensure that the site be left in a neat, clean and safe condition after the removal.

14. **EQUIVALENTS**

The provisions of this Bylaw are not intended to limit the appropriate use of materials, equipment or methods of construction not specifically authorized herein. An owner desirous of providing an equivalent material, equipment or method of construction not specifically authorized by this Bylaw shall submit to the Building Inspector sufficient evidence to satisfy the Building Inspector that the proposed equivalent will provide the level of performance required by this Bylaw.

15. **CLIMATIC DATA**

Climatic data for the design of buildings in the Town of Ladysmith shall be:

Design Element	Elevations					
	15 m	100 m	120 m	180 m	200m	240 m
January 2-1/2% design dry bulb temperature	-7 C ----->					
January 1% design dry bulb temperature	-9 C ----->					
July 2-1/2% design dry bulb temperature	26 C ----->					
July 2-1/2% design dry bulb temperature	18 C ----->					
Annual total degree days below 18 C	3,130	3,200	3,200	3,200	3,300	3,300
Maximum fifteen minute rainfall	8 mm ----->					
Maximum one day rainfall	92 mm ----->					
Annual total precipitation	1,100 mm ----->					
Ground snow load, snow component S(s)	2.1 kPa	2.1 kPa	2.1 kPa	2.2 kPa	2.3 kPa	2.4 kPa
Ground snow load, rain component S(r)	0.4 kPa	0.4 kPa	0.4 kPa	0.4 kPa	0.4 kPa	0.4 kPa
Hourly wind pressure, 1/10	0.47 kPa ----->					
Hourly wind pressure, 1/30	0.58 kPa ----->					
Hourly wind pressure, 1/100	0.71 kPa ----->					

16. **PENALTIES AND ENFORCEMENT**

- 16.1 Every person who violates any provision of this Bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00 or to imprisonment for not more than 6 months, or both. For each day that a violation of the provisions of this bylaw occurs, exists or is permitted to occur or exist, shall constitute a separate offence.
- 16.2 A Building Inspector may order the cessation of any work that is proceeding in contravention of the Building Code or of this Bylaw by posting a "Stop Work Order" in the form of Schedule "I" to this Bylaw on the property on which such work is undertaken.
- 16.3 Every owner of real property on which a "Stop Work Order" has been posted or with respect to which any permit issued pursuant to this Bylaw has been revoked in this Bylaw provided, shall cease all further work thereon immediately and shall not do any work thereon until the required permit therefore has been issued by the Building Inspector and until all provisions of the Building Code and this Bylaw have been fully complied with.

17. **SEVERABILITY**

17.1 If any Part or lesser portion of this Bylaw is held invalid by a court, the invalid portion shall be severed from this Bylaw.

18. **SCHEDULES**

***Bylaw 1512***

18.1 Schedules A, B, C, I and J attached to this Bylaw form a part of this Bylaw.

19. **REPEAL**

19.1 "Building Bylaw No. 565, 1973" and all amendments thereto is hereby repealed.

20. **TITLE**

20.1 This Bylaw may be cited for all purposes as "Building and Plumbing Bylaw 1994, No. 1119".

**READ A FIRST TIME** on the 6<sup>th</sup> day of September, 1994.

**READ A SECOND TIME** on the 6<sup>th</sup> day of September, 1994.

**READ A THIRD TIME** on the 6<sup>th</sup> day of September, 1994.

**FINALLY PASSED AND ADOPTED** on the 19<sup>th</sup> day of September, 1994.

*Original signed by Mayor Rob Hutchins*

Mayor

*Original signed by Ed Gilman*

Clerk





**TOWN OF LADYSMITH**

**PERMIT APPLICATION (Schedule A)**

Address of Project: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code \_\_\_\_\_

Contractor: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code \_\_\_\_\_

Application is made to: *(please check all applicable boxes)*

- |   |  |   |                                       |
|---|--|---|---------------------------------------|
| Construct new: <input type="checkbox"/> | Renovate: <input type="checkbox"/>     | Relocate: <input type="checkbox"/>      | Demolish: <input type="checkbox"/>    |
| Addition: <input type="checkbox"/>      | Single Unit: <input type="checkbox"/>  | Multiple Unit: <input type="checkbox"/> | # of Units: <input type="checkbox"/>  |
| Industrial: <input type="checkbox"/>    | Commercial: <input type="checkbox"/>   | Institutional: <input type="checkbox"/> | Residential: <input type="checkbox"/> |
| Service type: _____                     | Water: <input type="checkbox"/>        | Storm: <input type="checkbox"/>         | Sanitary: <input type="checkbox"/>    |
| Other: <i>(please describe):</i> _____  | # of Storeys: <input type="checkbox"/> |   |                                       |

**Proposed Use:**

- |  |                                      |                                      |
|--|--------------------------------------|--------------------------------------|
| Residential: <input type="checkbox"/>  | Commercial: <input type="checkbox"/> | Industrial: <input type="checkbox"/> |
| Agricultural: <input type="checkbox"/> | Accessory: <input type="checkbox"/>  | Other: _____                         |

**Construction Details:**

Square Footage: \_\_\_\_\_ Value: \_\_\_\_\_

Number of Parking Spaces: \_\_\_\_\_

**Type of Framing:**

- Masonry:  Wood Frame:  Structural Steel:  Other: \_\_\_\_\_

**Heating System:**

- Gas:  Oil:  Electric:  Other: \_\_\_\_\_

**Sewage Disposal:**

- Public Communal:  Public:

- Private:  Well:

Number of bedrooms: \_\_\_\_\_ Number of bathrooms: \_\_\_\_\_

Damage Deposit refund will be payable to: (Name) \_\_\_\_\_ (Phone) \_\_\_\_\_  
 (Address) \_\_\_\_\_

*(Damage Deposit Refund application forms available at City Hall)*

*In consideration of the granting of this permit, I/We agree to release and indemnify the Town of Ladysmith, its Council Members, employees and agents from and against all liability, demands, claims, causes of actions, suits, judgments, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation of my/our/their respective heirs, successors, administrator or assignees may have or incur in consequence of or incidental to the granting of this permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the Town of Ladysmith Building Bylaw or the British Columbia Code and I/we agree that the Town of Ladysmith owes me/us no duty of care in respect of these matters.*

**I HAVE READ THE ABOVE AGREEMENT, THE RELEASE AND THE INDEMNITY AND UNDERSTAND THEM.**

The person signing this application form, if not the owner, acknowledges that this signature is as agent for the





**BYLAW NO. 1119 - Schedule B**

**TOWN OF LADYSMITH**  
**BUILDING PERMIT**

<b>Date:</b>	<b>Permit No:</b>
<b>Site Address:</b>	
<b>Legal Description:</b>	<b>Zone:</b>
<b>Owner:</b>	<b>Phone:</b>
<b>Mailing Address:</b>	<b>Postal Code:</b>
<b>Contractor:</b>	<b>Phone:</b>
<b>Address:</b>	<b>Postal Code:</b>
<b>Permit is Issued for:</b>	

Date: \_\_\_\_\_

Building

Inspector:

Neither the issuance of a permit under this Bylaw, the review and approval of the drawings, plans and specifications, nor inspections made by the Building Inspector, shall in any way constitute a representation, warranty or statement that the Building Code or this Bylaw has been complied with or that the building or structure meets any standard of materials and workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard.

*This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit. All Construction shall conform to the current edition of the B.C. Building Code and approved drawing issued with the Application for Permit for Excavation, Construction, Alteration, or Repair of a Building. No deviation from these drawings, including the site plans, shall be made without written approval from the Building Inspector. The Town of Ladysmith accepts no responsibility if private services cannot be connected.*

*A Form Check Survey is required prior to request for form inspections and a Final Survey Certificate shall indicate design construction projections beyond foundation walls.*

**Special requirements:**

--

Receipt # \_\_\_\_\_

Date of Issue: \_\_\_\_\_

BYLAW NO. 1119  
SCHEDULE "C"

TOWN OF LADYSMITH

**APPLICATION FOR DRIVEWAY ACCESS PERMIT**

I, \_\_\_\_\_, being the owner/agent, apply for a driveway access permit as shown on attached site plan and staked at/on:

LOT \_\_\_\_ BLK \_\_\_\_ SECTION \_\_\_\_ RANGE \_\_\_\_ PLAN \_\_\_\_ FOLIO \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

I agree to construct a driveway access in conformance with the Town of Ladysmith "Typical Driveway Grades" as attached, and conditions set out in the permit. I further agree to indemnify the Town of Ladysmith from any and all claims, demands, actions, suits or other proceedings by anyone, made or brought against the Town of Ladysmith by reason of, or arising out of the work covered in this application. I further agree to maintain the driveway access in good condition and repair.

**NO BUILDING CONSTRUCTION IS TO COMMENCE PRIOR TO SITE INSPECTION AND PERMIT TO CONSTRUCT**

Signature \_\_\_\_\_ (Owner/Agent) Date \_\_\_\_\_

Address \_\_\_\_\_

Name of Owner/Agent (if different) \_\_\_\_\_

Please contact the Public Works Department with any questions.

**PERMIT TO CONSTRUCT A DRIVEWAY ACCESS**

Permission has been granted to construct a driveway access to the above referenced property in accordance with the following conditions:

ALL CONSTRUCTION TO CONFORM TO THE ATTACHED DRIVEWAY SPECIFICATIONS. OWNER/AGENT IS TO ENSURE THE ROAD BOULEVARD IS MAINTAINED IN GOOD CONDITION THROUGHOUT BUILDING CONSTRUCTION PERIOD.  
OWNER/AGENT CALLS PUBLIC WORKS FOR INSPECTION OF DRIVEWAY GRADE PREPARATION.

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ DATE \_\_\_\_\_  
(for Superintendent of Public Works)

BYLAW NO. 1119

SCHEDULE "I"

**STOP WORK ORDER**

**ADDRESS OF PROPERTY:** \_\_\_\_\_

**TO WHOM IT MAY CONCERN:**

All work on the building on the real property on which this Order is posted is directed to be stopped immediately, by Order of the undersigned Building Inspector of the Town of Ladysmith, from whom the reasons for this Order may be obtained at the Building Department office in the City Hall, Ladysmith.

Failure to immediately comply with this Order is a violation of the "Building and Plumbing Bylaw, 1994, No. 1119" and may result in the imposition of the penalty provided by the Bylaw, to a maximum of \$5,000.00 and 6 months imprisonment.

\_\_\_\_\_  
DATE OF POSTING OF ORDER

\_\_\_\_\_  
TIME OF POSTING

\_\_\_\_\_  
BUILDING INSPECTOR

Town of Ladysmith  
410 Esplanade, Box 220  
Ladysmith, B.C.  
V0R 2E0

**SCHEDULE “J”**  
 “Building and Plumbing Bylaw 1994, No. 1119”

*Bylaw 1988*

<b><u>BUILDING PERMITS</u></b>	
<u>Building Valuation:</u> For single and two family dwellings, factory built homes, mobile homes and moved buildings, and buildings accessory thereto, the value of construction used to determine the permit fee shall be calculated based on the values as specified in the table or the value of construction stated on the building permit application whichever is higher. All other building types, based on the Architect’s Estimate of the value of construction or verified by a valuation service such as Marshall Swift.	
1. Main Floor	\$120/sq.ft.
2. Additional Floor(s)	\$70/sq.ft.
3. Garage	\$35/sq.ft.
4. Carport	\$20/sq.ft.
5. Sundeck	\$20/sq.ft.
6. Basement	\$40/sq.ft.
7. Secondary Suite	\$25/sq.ft.
<u>Building Permit Fees and Inspection Charges:</u>	
All except Mobile Home/Manufactured Home: Percent of building valuation calculated above:	1.10%
Minimum Building Permit Fee	\$100
Mobile Home/Manufactured Home Flat Rate:	\$300
<u>Driveway Access Permit Fee</u>	\$50
<u>Plumbing Permit Fee:</u> Minimum # of fixtures – 1 or 2	\$24
3 or more fixtures	\$12/fixture
Water Service Inspection Fee	\$50
Sanitary Sewer Inspection Fee	\$50
Storm Drain Inspection Fee	\$50
<u>Permit Fee to Wreck or Demolish a Building</u>	
- building floor area of 186.0 sq.m. (2,000 sq.ft.) or less	\$100
- building floor area larger than 186 sq.m.	\$250
<u>Double Fee:</u> If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.	
<u>Re-Inspection Fee:</u> For building or plumbing inspection required as a result of a call back where work was incomplete or improperly done	\$50
Permit Fee to Move a Building (within the municipality)	\$300
For building inspections prior to a move:	
- building floor area of 93.0 sq.m. or less	\$50
- building floor area or larger than 93.0 sq.m. (1000 sq.ft.)	\$100
Note: This fee is in addition to permit fee required for the moved building and the construction undertaken at the new site.	

Permit Fee to Move a Mobile Home Located Within Ladysmith to Another Site Within Ladysmith	\$100
<u>Other Fees:</u> File review fees	\$50/hr
Survey certificate, file review	\$50
Mobile home parks	\$50/site
Sprinkler systems – First head	\$30
Sprinkler systems – 2-50 head	\$1.00 per head
Sprinkler systems – Each additional head	\$0.30 per head
Damage deposit (non-interest bearing)	\$1500
Building Envelope Remediation Administration Fee	\$250
<u>Fee Reduction: Professional Design</u>	5%



