



CITY OF TRAIL

BUILDING BYLAW

NO. 2548, 2003

Comprising a consolidation of the Building Bylaw No. 2548, 2003 and the following amendments thereto:

	<u>Effective Date</u>
Bylaw No. 2600	May 9, 2005
Bylaw No. 2604	June 27, 2005
Bylaw No. 2746	February 12, 2013
Bylaw No. 2771	February 11, 2014
Bylaw No. 2915	February 28, 2022

THE CITY OF TRAIL

BYLAW NO. 2548

A BYLAW TO PROVIDE THE ADMINISTRATION OF THE BUILDING CODE

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

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

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

NOW THEREFORE, the Council of the City of Trail, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. **TITLE**

That this Bylaw may be cited for all purposes as the "**City of Trail Building Bylaw No. 2548, 2003**".

2. **DEFINITIONS**

In this bylaw:

The following words and terms have meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998:

“Assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.

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

“Building Official” includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the City of Trail or the Regional District of Kootenay Boundary.

“Complex Building” means:

- (a) all buildings used for major occupancies classified as
 - (i) assembly occupancies,
 - (ii) care or detention occupancies,
 - (iii) high hazard industrial occupancies, and
- (b) all buildings exceeding 600 square meters (6,458.56 sq. ft.) in building area or exceeding three storeys in building height used for major occupancies classified as
 - (i) residential occupancies,
 - (ii) business and personal services occupancies,
 - (iii) mercantile occupancies,
 - (iv) medium and low hazard industrial occupancies.

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, Part 7, and Part 9 of the Building Code.

Standard building means a building of three storeys or less in building height, having a building area not exceeding 600 square meters (6,458.56 sq. ft.) and used for major occupancies classified as

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

Structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.2 meters (3.94 ft.) in height.

3. **PURPOSE OF BYLAW**

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

4. **PERMIT CONDITIONS**

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

5. **SCOPE AND EXEMPTIONS**

- 5.1 This bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures.
- 5.2 This bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining structures less than 1.2 meters (3.94 ft.) in height.
- 5.3 This bylaw does not apply to non-structural repairs valued at less than One Thousand (\$1,000.00) dollars as determined by a building official made to buildings used or intended for:
- 5.3.1 single family dwellings;
- 5.3.2 private garages or residential accessory buildings.
- 5.4 This bylaw does not apply to storage sheds provided that:
- 5.4.1 the storage shed does not exceed 10 m² (107 sq. ft.) in floor area;
- 5.4.2 the storage shed is one storey;
- 5.4.3 the storage shed does not exceed 3m (9.8 ft.) to peak in height; and
- 5.4.4 the storage shed is situated on a non-permanent foundation.

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- 5.5 This bylaw does not apply to the following legally described properties:
- 5.5.1 Parcel A, Plan NEP34X, Sublot 2, DL 4598, K.D. (SEE 17650I) Except (1) PCL 1 (SEE22589I) & (2) PL 10536 18105
PID 011-170-093
- 5.5.2 Lot 1, Plan NEP18105, DL 4598, K.D.
PID 012-550-981
- 5.5.3 Lot 2, Plan NEP4885, DL 4598, K.D. Except Plan NEP75810
PID 014-707-870
- 5.5.4 Lot A, Plan EPP51199, DL 4598, K.D.
PID 029-752-850

6. **PROHIBITIONS**

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

7. **BUILDING OFFICIALS**

- 7.1 Each building official may:
- 7.1.1 administer this bylaw;

- 7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw or microfilm copies of such documents.
- 7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a building or structure for which a permit is sought under this bylaw substantially conform to the requirements of the Building Code.
- 7.2 A building official:
 - 7.2.1 may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - 7.2.3 shall carry property credentials confirming his or her status as a building official.
- 7.3 A building official may order the correction of any work that is being or has been done in contravention of this bylaw.

8. **APPLICATIONS**

- 8.1 Every person shall apply for and obtain:
 - 8.1.1 a building permit before constructing, repairing, moving, installing or altering a building, structure, change in occupancy or plumbing system;
 - 8.1.2 a demolition permit before demolishing a building or structure;
- 8.2 An application for a moving permit shall be made in the form prescribed from time to time by a building official.
- 8.3 An application for a demolition permit shall be made in the form prescribed from time to time by a building official.
- 8.4 All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.
- 8.5 Each building or structure to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that building or structure as determined in accordance with Schedule A to this bylaw.

9. **APPLICATIONS FOR COMPLEX BUILDINGS**

- 9.1 An application for a building permit with respect to a complex building shall;
 - 9.1.1 be made in the form prescribed from time to time by a building official, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
 - 9.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed from time to time by a building official, signed by the owner, or a signing officer if the owner is a corporation;
 - 9.1.3 include a copy of a title search made within 30 days of the date of the application;
 - 9.1.4 a site plan showing:
 - 9.1.4.1 the dimensions of the parcel taken from the registered subdivision plan;
 - 9.1.4.2 the legal description and civic address of the parcel;
 - 9.1.4.3 the location and dimensions of all statutory rights-of-way, easements and setback requirements;
 - 9.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;

- 9.1.4.5 setbacks to the natural boundary of the Columbia River or any creek, lake, marsh, pond or watercourse where the City of Trail's Floodplain Regulation Bylaw regulations establish siting requirements related to flooding;
- 9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the City of Trail's Floodplain Regulation Bylaw regulations establish siting requirements related to minimum floor elevation;
- 9.1.4.7 the number, location, dimension and gradient of parking, driveway aisles and access; and
- 9.1.4.8 the building official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure.
- 9.1.5 floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing system and fixtures; structural elements; and stair dimensions;
- 9.1.6 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.7 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors and finished grade;
- 9.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
- 9.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 9.1.10 a letter of assurance in the form of Schedule A as referred to in section 2.6 of Part 2 of the Building Code, signed by the owner, or a signing officer if the owner is a corporation, and the coordinating registered professional;
- 9.1.11 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part of the Building Code, each signed by such registered professionals as the building official or Building Code may require to prepare the design for and conduct field reviews of the construction of the building or structure;
- 9.1.12 two sets of drawings at a suitable scale of the design prepared by each registered professional and including the information set out in sections 9.1.5 – 9.1.8 of this bylaw;
- 9.2 In addition to the requirements of section 9.1, the following may be required by a building official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
 - 9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City of Trail's Subdivision Regulation Bylaw;
 - 9.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 9.2.3 any other information required by the building official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.

10. APPLICATIONS FOR STANDARD BUILDINGS

- 10.1 An application for a building permit with respect to a standard building shall;
 - 10.1.1 be made in the form prescribed from time to time by a building official, signed by the owner, or a signing officer if the owner is a corporation;

- 10.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed from time to time by a building official, signed by the owner, or a signing officer if the owner is a corporation;
 - 10.1.3 include a copy of a title search made within 30 days of the date of the application;
 - 10.1.4 a site plan showing:
 - 10.1.4.1 the dimensions of the parcel taken from the registered subdivision plan;
 - 10.1.4.2 the legal description and civic address of the parcel;
 - 10.1.4.3 the location and dimensions of all statutory rights-of-way, easements and setback requirements;
 - 10.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
 - 10.1.4.5 setbacks to the natural boundary of the Columbia River or any creek, lake, marsh, pond or watercourse where the City of Trail's Floodplain Regulation Bylaw regulations establish siting requirements related to flooding;
 - 10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the City of Trail's Floodplain Regulation Bylaw regulations establish siting requirements to minimum floor elevation;
 - 10.1.4.7 the number, location, dimension and gradient of parking, driveway aisles and access; and
 - 10.1.4.8 the building official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure;
 - 10.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing system and fixtures; structural elements; and stair dimensions;
 - 10.1.6 a cross section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
 - 10.1.7 elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - 10.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
 - 10.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
 - 10.1.10 two sets of drawings at a suitable scale of the design including the information set out in sections 10.1.5 – 10.1.8 of this bylaw;
- 10.2 In addition to the requirements of section 10.1, the following may be required by a building official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, which is the aggregate total more than 1000 square meters (10,764.3 sq. ft.) or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:
- 10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City of Trail's Subdivision Regulation Bylaw;
 - 10.2.2 a section through the site showing grades, buildings, structures, parking areas and driveways;
 - 10.2.3 a roof plan and roof height calculations;

- 10.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a registered professional;
- 10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional;
- 10.2.6 any other information required by the building official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure;
- 10.2.7 a foundation design prepared by a registered professional in accordance with section 4.2 of Part 4 of the Building Code, accompanied by letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the Building Code, signed by the registered professional;
- 10.2.8 the requirements of section 10.2.7 may be waived by a building official in circumstances where the building official has required a professional engineer's report pursuant to section 699(2) of the *Local Government Act* the building permit is issued in accordance with sections 699(5) and (6) of the *Local Government Act*; and
- 10.2.9 the requirements of section 10.2.7 may be waived by a building official if documentation, prepared and sealed by a registered professional, is provided assuring that the foundation design substantially complies with section 9.4.4 of Part 9 of the Building Code and the foundation excavation substantially complies with section 9.12 of Part 9 of the Building Code.

11. **PROFESSIONAL PLAN CERTIFICATION**

- 11.1 The letters of assurance in the form of Schedules B-1 and B-2 referred to section 2.6 of Part 2 of the Building Code and provided pursuant to sections 9.1.11, 10.2.5, 10.2.7, and 15.1 of this bylaw are relied upon by the City of Trail and its building officials as certification that the design and plans to which the letters of assurance relate comply with the Building Code and other applicable enactments relating to safety.
- 11.2 A building permit issued for the construction of a complex building, or for a standard building for which a building official required professional design pursuant to section 10.2.4 and letters of assurance pursuant to section 10.2.5 of this bylaw shall be in the form prescribed from time to time by a building official.
- 11.3 A building permit issued pursuant to section 11.2 of this bylaw shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.
- 11.4. When a building permit is issued in accordance with section 11.2 of this bylaw, the permit fee shall be reduced by 5% of the fees payable pursuant to Schedule A of this bylaw, up to a maximum reduction of \$1,000.00 (one thousand dollars).

12. **FEES AND CHARGES**

- 12.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule A to this bylaw, shall be paid in full prior issuance of any permit under this bylaw.
- 12.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set out in Schedule A to this bylaw.
 - 12.2.1 the plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued;
 - 12.2.2 an application shall be cancelled and the plan-processing fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of written notification to the owner that the permit is ready to be issued;
 - 12.2.3 when an application is cancelled, the plans and related documents submitted with the application may be destroyed.
- 12.3 The owner may obtain a refund of the permit fees set out in Schedule A to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:

- 12.3.1 the refund shall not include the plan processing fee paid pursuant to section 12.2 of this bylaw; and
- 12.3.2 no refund shall be made where construction has begun or an inspection has been made.
- 12.4 Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A to this bylaw shall be paid prior to additional inspections being performed.
- 12.5 For a required permit inspection requested to be done after the hours during which the offices of the City of Trail are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule A to this bylaw.
- 12.6 An inspection charge, as set out in Schedule A to this bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing building or structure for which a permit is sought under this bylaw.
- 12.7 An administrative charge, as set out in Schedule A to this bylaw, shall be payable in advance for removal of a charge placed on a title of property pursuant to s. 700 of the Local Government Act.

13. **BUILDING PERMITS**

13.1 When:

- 13.1.1 a completed application including all required supporting documentation has been submitted;
- 13.1.2 the proposed work set out in the application substantially conforms with the Building Code, this bylaw and all other applicable bylaws and enactments;
- 13.1.3 the owner or his or her representative has paid all applicable fees set out in section 12.1 of this bylaw;
- 13.1.4 the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw;
- 13.1.5 no enactment, covenant, agreement, or regulation in favour of, or regulation of, the City of Trail authorizes the permit to be withheld;

a building official shall issue the permit for which the application is made.

13.2 When the application is in respect of a building that includes, or will include, a residential occupancy, the building permit must not be issued unless the owner provides evidence pursuant to section 30(1) of the *Homeowner Protection Act* that the proposed building:

- 13.2.1 is covered by home warranty insurance; and
- 13.2.2 the constructor is a licensed residential builder.

13.3 Section 13.2 of this bylaw does not apply if the owner is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) and 30(1) of the *Homeowners Protection Act*.

13.4 Every permit is issued upon the condition that:

- 13.4.1 the work is to be started within six months from the date of issuing the permit;
- 13.4.2 the work is not to be discontinued or suspended for a period of more than one year;
- 13.4.3 the permit shall lapse in the event that either of the conditions in (a) or (b) above is not met;
- 13.4.4 all permits expire after 36 months from the date of issuance, unless the permit has previously expired or the permit has been renewed in accordance with Section 13.5.

13.5 Provision for renewal of permits shall be as follows:

- 13.5.1 every application for Permit renewal shall be considered on the basis of the building regulations in effect on the date of the application for renewal;
 - 13.5.2 application for renewal must be made prior to expiry of the original permit;
 - 13.5.3 the Permit renewal shall be for the same period as the original Permit;
 - 13.5.4 no Permit shall be renewed more than once;
 - 13.5.5 an additional fee as set out in Schedule “A” shall be paid for renewal of a Permit under the provisions of this Section;
 - 13.5.6 notwithstanding 13.5.3, when a Permit for a one or two-family dwelling is about to expire under the provisions of 13.4.4 and the exterior finish of the structure has been completed, the application may be granted a renewal at no additional cost.
- 13.6 A building official may extend the period of time set out under sections 13.4.1 and 13.4.2 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner’s control.
- 13.7 A building official may issue an excavation permit in the form prescribed from time to time by a building official prior to the issuance of a building permit.
- 13.8 A building official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the City of Trail to demonstrate to the building official that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure has not been issued.
- 13.9 When a site has been excavated under an excavation permit issued pursuant to section 13.6 of this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.4, but without the construction of the building or structure for which the building permit was issued having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the City of Trail to do so.

14. DISCLAIMER OF WARRANTY OR REPRESENTATION

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

15. PROFESSIONAL DESIGN AND FIELD REVIEW

- 15.1 When a building official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a registered professional provide design and plan certification and field review by means of letters of assurance in the form of Schedules B-1, B-2, and C-B referred to in section 2.6 of Part 2 of the Building Code.
- 15.2 Prior to the issuance of an occupancy permit for a complex building, or standard building in circumstances where letters of assurance have been required in accordance with sections 10.2.5, 10.2.7 or 15.1 of this bylaw, the owner shall provide the City of Trail with letters of assurance in the form of Schedules C-A and C-B, as is appropriate, referred to in section 2.6 of Part 2 of the Building Code.
- 15.3 When a registered professional provides letters of assurance in accordance with section 9.1.11, 10.2.5, 10.2.7, 15.1 or 15.2 of this bylaw, he or she shall also provide proof of professional liability insurance to the building official.

16. RESPONSIBILITIES OF THE OWNER

- 16.1 Every owner shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 16.2 Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- 16.3 Every owner to whom a permit is issued shall, during construction:
- 16.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - 16.3.2 keep a copy of the accepted designs, plans and specifications on the property; and
 - 16.3.3 post the civic address on the property in a location visible from any adjoining streets.
- 16.4 Where connection to an approved sanitary sewer system is not possible or proposed, every owner must obtain and present to the building official a sewage disposal permit which has been issued by the authority having jurisdiction and:
- 16.4.1 has not been appealed during the designated appeal period; or
 - 16.4.2 if appealed, has been disposed of in a manner which is satisfactory to the appeal body.

17. INSPECTIONS

- 17.1 When a registered professional provides letters of assurance in accordance with sections 9.1.11, 10.2.5, 10.2.7, 15.1 and 15.2 of this bylaw, the City of Trail will rely solely on field reviews undertaken by the registered professional and the letters of assurance submitted pursuant to section 15.2 of this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this bylaw and other applicable enactments respecting safety.
- 17.2 Notwithstanding section 17.1 of this bylaw, a building official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 17.3 A building official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with those portions of the Building Code, this bylaw and any other applicable enactment concerning safety.
- 17.4 The owner or his or her representative shall give at least 24 hours notice to the City of Trail when requesting an inspection and shall obtain an inspection and receive a building official's acceptance of the following aspects of the work prior to concealing it:
- 17.4.1 when the forms for footings and/or foundation walls are complete, but prior to placing any concrete therein;
 - 17.4.2 installation of perimeter drain tiles and dampproofing, prior to backfilling;
 - 17.4.3 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;
 - 17.4.4 the framing and sheathing;
 - 17.4.5 when plumbing system has been installed but prior to any other interior or exterior work being undertaken that would conceal the plumbing system;
 - 17.4.6 insulation and vapour barrier;
 - 17.4.7 when the building or structure is substantially complete and ready for occupancy, but before occupancy takes place of the whole or part of the building or structure;
- 17.5 No aspect of the work referred in section 17.4 of this bylaw shall be concealed until a building official has accepted it in writing.
- 17.6 The requirements of section 17.4 of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's letter of assurance provided in accordance with sections 9.1.11, 10.2.5, 10.2.7, 15.1 or 15.2 of this bylaw.

18. OCCUPANCY PERMITS

18.1 No person shall occupy a building or structure or part of a building or structure until an occupancy permit has been issued.

18.2 An occupancy permit shall not be issued unless:

18.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 10.2.5, 10.2.7, 15.1 and 15.2 of this bylaw;

18.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 17.4 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 17.6 of this bylaw.

18.3 A building official may issue an occupancy permit for part of a building or structure when the part of the building or structure is self-contained, provided with essential services and the requirements set out in section 18.2 of this bylaw have been met with respect to it.

19. RETAINING STRUCTURES

19.1 A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.2 meters (3.94 ft.) in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.2 meters (3.94 ft.) in height shall be submitted to a building official prior to acceptance of the works.

20. SWIMMING POOLS

20.1 For the purpose of this Section, “swimming pool” includes an existing or proposed constructed or prefabricated pool used or intended to be used for swimming, bathing, or wading, having a surface area exceeding 13.9 m² (149 sq. ft.) or a depth of more than 46 cm (18 in.).

20.2 Private swimming pools shall be sited not less than 3 m (10 ft.) from any front or rear lot lines, and a side yard of not less than 1.5 m (5 ft.).

20.3 Every private pool, whether existing or prospective, shall be enclosed within a secure and sturdy fence not less than 1.5 m (5 ft.) in height above grade level, with no openings greater than 5 cm (2 in.) in their least dimension; this fence may enclose the pool itself or the entire premises on which the pool is situated. A screen hedge of shrubbery, up to 2 m (6 ft., 6 in.) in height for the purpose of privacy may be located behind the fence in the front yard provided it does not project into the “cut off area” of corner lots as defined in the Zoning Bylaw.

20.4 The fence itself shall be continuous except for points of access, which shall be equipped with a self-closing gate, so designed as to cause this gate to return to a locked position when not in use and secured by a spring lock located not less than 1.5 m (4.9 ft.) above the grade and which can only be opened from the swimming pool side of the fence. The fence and gate shall be erected simultaneously with the excavating and construction of the swimming pool.

20.5 The fence may be constructed of wood or metal chain link materials. However, if constructed of wood, the slats must be placed vertically to the ground in accordance with Section 20.3.

20.6 Every fence enclosing a private swimming pool, as required by this bylaw, shall be maintained by the owner or occupant of the real property on which the same is situated, in good order and repair and adequate to perform its intended function, and all sagging gates, loose parts, worn latches and locks, and all broken and binding members shall be promptly and adequately replaced or repaired.

20.7 Drainage from a swimming pool shall be admitted to the storm sewer wherever possible, provided that the hydraulic load is not exceeded. The hydraulic load is not to exceed five (5) fixture units.

21. HOUSE NUMBERS

21.1 The City of Trail may assign a number to all buildings corresponding to the City of Trail street numbering system.

21.2 The owner of a building to which a street number has been assigned, shall permanently affix the number to the building in a place that can be readily observed from the street.

21.3 The number assigned to the building shall be a minimum of 10 cm (4 in.) in height.

22. **PENALTIES AND ENFORCEMENT**

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

23. **SEVERABILITY**

- 23.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

24. **REPEALS**

- 24.1 The City of Trail Building Bylaw No. 1987, 1984 and amendments thereto is hereby repealed.

READ the **FIRST, SECOND** and **THIRD** time the 29th day of September, 2003.

ADOPTED the 14th day of October, 2003.

ACTING MAYOR

CORPORATE ADMINISTRATOR

Certified a true copy of
Bylaw No. 2548, 2003.

CORPORATE ADMINISTRATOR

BYLAW NO. 2548, 2003

“SCHEDULE “A”

1. BUILDING PERMIT FEES

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

**Bylaw
2600**

- Minimum fee: \$40.00
- For each \$1,000 of estimated Value of the building, or a Portion thereof: \$ 8.00

2. NON-REFUNDABLE PLAN PROCESSING FEE

Every permit application shall include a non-refundable plan processing fee as follows:

- Up to \$10,000 of construction cost - actual permit fee
 - \$10,000 to \$50,000 construction cost - \$50.00 *
 - Over \$50,000 construction cost - \$150.00 *
- * This fee will be applied against the cost of the permit.

3. RELATED BUILDING PERMIT FEES

- Re-inspection fee \$75.00
- Demolition permit \$50.00
- Moving permit \$75.00
- Temporary building permit \$75.00 **
- Mobile home placement \$75.00 **
- Minimum inspection fee \$50.00

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

4. 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 cancellation of the permit;
- No refund in the amount of less than \$50 shall be made;
- Applications for refunds must be received within 12 months of the issuance of the permit.

5. BUILDING PERMIT RENEWAL

- Construction value up to \$50,000 \$50.00
- Construction value in excess of \$50,000 \$2.00/\$1,000.00

6. PLUMBING PERMIT FEES

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.

7. NOTICE ON TITLE

**Bylaw
2604** Administrative charge to remove notice on title \$200.00

8. **REVITALIZATION INCENTIVE PROGRAMS – BUILDING PERMIT FEE
REDUCTION**

**Bylaw
2771**

Where an applicant for a building permit is eligible for a Tax Exemption pursuant to the City of Trail Downtown Revitalization Tax Exemption Bylaw No. 2745, 2013 or the Revitalization Tax Exemption Bylaw No. 2770, 2014, the building permit fee for the construction of the improvements described in the Tax Exemption Agreement entered into between the City and the Owner shall be reduced by 50%.”