



City of Duncan

Building Bylaw, No. 1848, 1998

(With Amendments to September 20, 2010)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

This Bylaw has been consolidated for convenience only and includes amendments from:

Building Bylaw Amendment Bylaw No. 1978, 2004 – Adopted October 25, 2004

Building Bylaw Amendment Bylaw No. 1982, 2004.– Adopted January 10, 2005

Building Bylaw Amendment Bylaw No. 2036, 2007 – Adopted November 13, 2007

Building Bylaw Amendment Bylaw No. 2060, 2008 – Adopted October 14, 2008

Building Bylaw Amendment Bylaw No. 2079, 2010 – Adopted February 15, 2010

Miscellaneous Bylaw Amendments Bylaw No. 2097, 2010 – Adopted September 20, 2010

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 1848

WHEREAS The *Municipal Act* authorizes the City, 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 and structures 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 Municipal Council of The Corporation of the City of Duncan, in open meeting assembled, enacts as follows:

Title This Bylaw may be cited as “Building Bylaw, No. 1848, 1998”

Definitions 1. In this Bylaw:

 “**Agent**” includes a person, firm, or corporation representing the owner, by designation or contract, and inter alia includes a hired tradesman and contractor who may be granted permits for work within the limitations of his licence;

 “**Authority Having Jurisdiction**” means the Council of the Corporation of the City of Duncan and any of its agents including the Building Inspector who have authority over the subject that is being regulated;

 “**Building Code**” means the British Columbia Building Code, the British Columbia Plumbing Code and other regulations as amended, established pursuant to the Municipal Act;

 “**City**” means the Corporation of the City of Duncan;

 “**Registered Professional**” means a person who is registered or licensed to practice as an architect under the Architects Act or a person who is registered or licensed to practice as a professional engineer under the Engineers and Geoscientists Act .

 “**Construct**” means erect, repair, alter, add, demolish, remove, excavate and shore.

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“Construction” means erection, repair, alteration, enlargement, addition, demolition, removal and excavation.

**Purpose of
this bylaw**

2. (1) This bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this subsection.
- (2) This bylaw is enacted and retained for the purpose of regulating construction within the City of Duncan in the general public interest. The activities undertaken by or on behalf of the City pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of public health and safety. It is not contemplated nor intended, nor does the purpose of this bylaw extend
- (a) to the protection of owners, owner/builders or builders from economic loss;
 - (b) to the assumption by the City of any responsibility for ensuring the compliance by any Owner, his representatives, agents, or any employees, contractors or design professionals retained by him, with the current edition of the British Columbia Building Code, the requirements of this bylaw or any other applicable codes or standards;
 - (c) to providing to any person a warranty of design or workmanship with respect to any building or structure for which a building permit is issued under this bylaw;
 - (d) to providing a warranty or assurance that the construction undertaken pursuant to building permits issued by the City is free from latent, or any defects.

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Therefore:

3. (1) No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system including excavation or other work related to construction unless the Authority Having Jurisdiction has issued a valid and existing permit for the work.
3. (2) No owner shall occupy or use or permit others to occupy or use any building or structure unless a valid and existing occupancy permit has been issued by the Authority Having Jurisdiction for the building or structure, or contrary to the conditions of any permit issued or any notice given by the Authority Having Jurisdiction.
3. (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.
3. (4) No person shall, unless authorized in writing by the Authority Having Jurisdiction, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to any building or structure pursuant to this bylaw.

3. (5) No owner shall do any work or permit others to do any work that is substantially at variance with the approved descriptions, plans and specifications of a building, structure, or other works for which a permit has been issued, unless that variance has been accepted in writing by the Authority Having Jurisdiction.

3. (6) No person shall continue or resume work regulated by this Bylaw while a Stop Work notice posted at the site of the work by a building official remains in effect.

3. (7) No person shall interfere with or obstruct the entry of the Authority Having Jurisdiction or other authorized official of the City of Duncan on property in the administration of this bylaw.

Duties of the Authority having Jurisdiction

4. The authority having jurisdiction may:
- (1) administer this Bylaw;
 - (2) keep records of any application 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;
 - (3) establish whether any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of the Building Code.

Powers

5. The Authority Having Jurisdiction:
- (1) (a) may enter any building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw;
 - (b) where any dwelling, apartment or guest room is occupied, shall obtain the consent of the occupant or provide written notice twenty-four hours in advance of inspection;
 - (c) shall ensure that employees or persons charged with the administration and enforcement of this Bylaw carry proper credentials.
 - (2) may revoke or refuse to issue a permit where the results of tests or materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory, in its opinion;
 - (3) may order the correction of any work which is being or has been improperly done under the permit;
 - (4) may order the cessation of work that is proceeding in contravention of this Bylaw.

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Permits

6. (1) Every owner shall apply for and obtain:
- (a) an excavation permit before excavating or preparing the site for foundation forms and installing services related to the construction of a building or structure;
 - (b) a building permit before constructing or altering a building or structure;

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- (c) a plumbing permit before constructing or altering repairing a plumbing system, fixture, on site servicing, irrigation system and similar works;
 - (d) a moving permit before moving a building or structure;
 - (e) a demolition permit before demolishing a building or structure;
 - (f) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance.
- (2) To obtain a permit the owner or his agent shall file an application in writing with the building inspector using forms provided by the City of Duncan
- (3) The application shall:
- (a) be signed by the owner or his agent;
 - (b) state the intended use or uses of the building;
 - (c) include as exhibits copies in duplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out showing:
 - (i) the dimensions of the building;
 - (ii) the proposed use of each room or floor area;
 - (iii) the dimensions of the land on which the building is, or is to be, situated;
 - (iv) the grades and elevations of the streets and sewers abutting the lands referred to in clause (iii), when required by the authority having jurisdiction;
 - (v) the position, height and horizontal dimensions of all buildings on the land referred to in clause (iii);
 - (vi) a survey of the building site by a registered provincial surveyor, when required by the authority having jurisdiction;
 - (vii) the technical information specified in other parts of this Bylaw required to be included on the drawings relating to those parts;
 - (viii) such other information as is necessary to illustrate all essential features of the design of the building;
 - (d) when required by the authority having jurisdiction, be accompanied by:
 - (i) a plan that shows the location and size of every building drain and of every trap or inspection piece that is on a building drain, and
 - (ii) a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe.
 - (iii) complete design and calculation criteria so that the authority having jurisdiction shall have this information available for examination, and bear the name and address of the designer;
 - (e) contain any and all other information necessary to establish compliance with this Bylaw.

- Amend #2036 #2097 (f) bear the name and address of the designer of the building or structure.
- Amend #2036 #2097 6. (3.1) 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 specified by Council by Bylaw.
- Amend #2036 #2097 6. (3.2) Each plumbing system to be constructed on a site requires a separate plumbing permit for each building and shall be assessed a separate plumbing permit fee based on the value of plumbing system as specified by Council by Bylaw.
- Amend #2036 #2097 6. (3.3) An application made for a building permit shall be accompanied by the appropriate plan processing fee as specified by Council by Bylaw.
- (a) The plan processing fee is non-refundable and shall be credited against the building permit fee at the time of permit issuance.
 - (b) 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 date of written notification to the owner or the owner's agent that the permit is ready for issuance.
 - (c) When an application is cancelled the plans and related documents submitted with the application may be destroyed.
 - (d) Plan processing fees do not apply to permits other than building permits.
- Amend #2036 #2097 6. (3.4) The owner may obtain a refund of the permit fees, as specified by Council by Bylaw, when a permit is surrendered and cancelled before any construction begins provided:
- (a) the refund shall not include the plan processing fee paid pursuant to section 6.(3.3) of this bylaw;
 - (b) the refund shall be 90% of the balance of the permit fee calculated, as specified by Council by Bylaw, after deducting the fee set out under section 6.(3.3) of this bylaw;
 - (c) no refund shall be made where construction has begun or an inspection has been made.
- Amend #2036 #2097 6. (3.5) Where, due to noncompliance with the provisions of this bylaw, more than two (2) inspections are necessary when one (1) inspection is normally required, for each inspection after the second inspection, an inspection charge as specified by Council by Bylaw, shall be paid prior to additional inspections being performed.

Amend #2036 #2097 6. (3.6) For a required permit inspection requested to be done after the hours during which the offices of the City of Duncan are normally open, an inspection charge shall be payable as specified by Council by Bylaw.

Amend #2036 #2097 6. (3.7) An inspection charge, as specified by Council by Bylaw, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a written report on the status of an existing building or structure.

Amend #2036 #2097 Section 6.(3.8) Deleted by Bylaw No. 2097, 2010

Amend #2036 #2097 6. (3.9) All damage done to Municipal infrastructure is the responsibility of the property owner or Agent while excavating, constructing or altering their property. Where there is likelihood of damage to Municipal infrastructure, as determined by the Building Inspector, a damage deposit and an administration fee, as specified by Council by Bylaw, are payable prior to the issuance of a Permit.

(a) The security shall be returned, less any repair costs incurred, upon substantial completion of the construction of the related building permit or where the building permit has been cancelled and upon confirmation that municipal works have not been damaged or, if damage has occurred, that it has been fully repaired

Amend #2036 6. (3.10) Prior to the placing of concrete in forms for the foundations for a building or structure a building official may require that the location of the forms in relation to Land Title Office plans and B.C.L.S. monuments property lines, easements, or right of ways be established by a B.C.L.S. or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS).

Amend #2036 6. (3.11) Prior to the occupancy of a building or structure a building official may require that the location of the foundations in relation to Land Title Office plans and B.C.L.S. monuments property lines, easements, or right of ways be established by a B.C.L.S. or a certified member of the Applied Science Technologists and Technicians of British Columbia who is registered in site improvement surveys (RSIS).

Amend #2036 6. (3.12) The site improvement surveys required in sections 6.(3.10) and 6.(3.11) of this bylaw shall show:
(a) the shortest distances from the outer surfaces of the foundations of the building or structure on the property to the adjacent property

lines, easements, or right of ways; and

(b) the elevation of the applicable aspect of the floor system in relation to a flood reference, where the City of Duncan's land use regulations establish siting requirements related to flooding.

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Issuance of permits

6. (4) where an application has been made in the form prescribed by the City and

(a) the proposed work set out in the application conforms with this Bylaw, all other applicable Bylaws and regulations, and the Council approval process, and

(b) the applicant for the permit has paid the fee prescribed, as specified by Council by Bylaw, at the time of the issuance of the permit, the authority having jurisdiction shall issue the permit for which the application is made, in the form prescribed by the City. (Fees are not payable until the time of issuance of the permit, and shall be paid concurrent with the issuance of the said permit.)

the authority having jurisdiction shall issue the permit for which the application is made, in the form prescribed by the City of this Bylaw. (Fees are not payable until the time of issuance of the permit, and shall be paid concurrent with the issuance of the said permit.)

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Conditions of permit

6. (5) Every permit is issued upon the condition that:

(a) Notwithstanding the provisions of subsection 6.(3)(b) of this Bylaw, where a registered professional provides a certificate in the form of a letter of assurance contained in the current edition of the B.C. Building Code, and the authority having jurisdiction indicates in writing to the applicant in the form prescribed in Schedule "D" of this Bylaw, that reliance is being placed on the certification by the registered professional(s), then the permit fee prescribed and as set out in Schedule "A" of Bylaw No. 1759, 1995 shall be reduced by 10%. This reduction reflects the cost of work that would otherwise be done by the authority having jurisdiction to determine compliance with the Building Code and other applicable enactments respecting safety.

(b) the work is not to be discontinued or suspended for a period of more than one year;

(c) the permit shall lapse in the event that either condition above is not met;

(d) an additional fee, as specified by Council by Bylaw, shall be paid if the permit is renewed.

Consolidation

(e) Where the site on which construction is to take place consists of more than one parcel of land, the applicant shall certify that such parcels will be satisfactorily consolidated if any one building, or the parking area required, therefore, will occupy more than one parcel.

Amend #2036 #2097 **Damage Deposit** 6. (5.1) Where an application has been made for any new construction, addition or demolition, or any other construction where, in the opinion of the Building Inspector, the nature of the work is such that injury to Municipal property is possible, a "Damage Deposit" in the amount as specified by Council by Bylaw is payable before any Permit is issued.

Amend #2036 6. (5.2) The damage deposit payable shall be used to secure payment for injury to, destruction, defacement or disturbance of Municipal property, including installations; water, sewer drainage and all utilities; roads and accesses; caused by the work for which the Permit was issued or by the person doing the work.

Amend #2036 6. (5.3) The City may apply the deposit towards making good such injury, destruction, defacement or disturbance and shall return any balance to the applicant when an Occupancy Permit is issued or upon completion of all demolition work.

Amend #2036 #2097 **Supervision** 6. (6) Notwithstanding any other provisions of this Bylaw, whenever in the opinion of the authority having jurisdiction the proposed work requires specialized technical knowledge, it may be required as a condition of the issuance of any permit that all drawings, specifications and plot plans, or any part thereof, be prepared and signed by and the construction carried out under the supervision of an architect or professional engineer registered in the Province of British Columbia.

(a) Notwithstanding the provisions of subsection 6.(4)(b) of this Bylaw, where a registered professional provides a certificate in the form of a letter of assurance contained in the current edition of the B.C. Building Code, and the authority having jurisdiction indicates in writing to the applicant, in the form prescribed by the City that reliance is being placed on the certification by the registered professional(s), then the permit fee prescribed, as specified by Council by Bylaw, shall be reduced by 10%. This reduction reflects the cost of work that would otherwise be done by the authority having jurisdiction to determine compliance with the Building Code and other applicable enactments respecting safety.

Amend #2036 6. (6.1) The issuance of a permit under this bylaw and the acceptance or review of plans, drawings and supporting documents shall in no way serve to relieve the owner or his or her agent from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and other applicable enactments respecting safety.

Amend #2036 6. (6.2) No inspections or observations made by or on behalf of the City of Duncan shall serve to relieve the owner or his or her agents from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and other applicable enactments respecting safety.

Amend #2036 6. (6.3) It shall be the full and sole responsibility of the owner (and where the owner is acting through an agent, the agent) to carry out the work in respect of which the permit was issued in compliance with the Building Code and this bylaw and other applicable enactments respecting safety.

Amend #2036 6. (6.4) 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 Duncan constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw and other applicable enactments respecting safety have been complied with.

Amend #2036 6. (6.5) 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 agents are responsible for making such determination.”

Changes 6. (7) Any departure or proposed departure from the approved plans and specifications shall be submitted to the Authority Having Jurisdiction for consideration and approval before such departure takes place.

Revoking permit 6.(8) The authority having jurisdiction may revoke a permit where there is a violation of:
(a) any condition under which the permit was issued, or
(b) any provision of the Building Code.
This revocation shall be in writing and transmitted to the permit holder by registered mail.

Amend #2036 **Failure to obtain permit** 6. (8.1) Where any person has commenced any construction for which a permit is required under this Bylaw and has not obtained a permit, a surcharge equivalent to the building permit fee shall be added to the fee levied for the permit when issued.

6. (9) The authority having jurisdiction may issue a permit for the construction of a phase of a building before the entire plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed to indicate compliance with all pertinent requirements of the Bylaw. The issuance of the permit

notwithstanding, the requirements of this Bylaw apply to the remainder of the building, as if the permit had not been issued.

6. (10) No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or re-arrangement of valves, pipes or fixtures or hot water tanks.

Temporary buildings

6. (11) Subject to any other Bylaw, the authority having jurisdiction may issue a permit for the erection or placement of a temporary building, structure or shelter, if it is satisfied that the building, structure or shelter is safe for the stated use and duration.

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Occupancy

6. (12) A building or part thereof to which this Bylaw applies shall not be occupied unless such building or part thereof complies with the requirements of this Bylaw and other applicable Bylaw or of any Statute and an Occupancy Permit in the form prescribed by the City, has been issued by the authority having jurisdiction.

(a) Where a building permit has been issued for a single family residence, the owner may apply for a permit to occupy the building prior to the completion of construction, which permit may be withheld until the building or part thereof complies with the health and safety requirements of the Bylaws of the Municipality or of any Statute.

Responsibility

7.(1) Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the Authority Having Jurisdiction shall in any way relieve the Owner and/or his Agents from full and sole responsibility to perform the work in strict accordance with this bylaw, the current edition of the British Columbia Building Code and all other codes, standards and applicable enactments

(2) It shall be the full and sole responsibility of the Owner (and where the Owner is acting through an agent, the Agent) to carry out the work in respect of which the permit was issued in compliance with the current edition of the British Columbia Building Code and this bylaw and all other applicable codes, standards and enactments.

(3) Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the Authority Having Jurisdiction constitute in any way a representation, warranty, assurance, or statement that the current edition of the British Columbia Building Code, this

bylaw or any other applicable codes, standards or enactments have been complied with.

(4) 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 agents are responsible for making such determinations.

(5) The owner of property for which a permit is issued shall be responsible for the cost of repair of any damage to Municipal works that occur as a result of the work covered by the permit.

**Civic
Addressing**

8.(1) The Building Inspector shall number, renumber, or alter the numbering of all buildings of any kind, including those already numbered as in his discretion he may deem expedient.

(a) The system used for numbering buildings shall be as established by the Municipal Council from time to time.

(b) Upon the issuance of a building permit, the Building Inspector shall designate the number, or series of numbers requisite for the building authorized by such permit, and it shall be the duty of the owner to place the designated number or numbers upon the building, on the lot on which the building stands, in a conspicuous position and of suitable contrast of colour as to be plainly visible from the street. The minimum size of individual numbers and/or letters shall be 100mm. (4 inches).

**Non-
conforming**

8 (2) Where in the opinion of the Building Inspector, a non-conforming building or structure, has been damaged or destroyed by fire, accident, decay, or other means to the extent of 75% or more of its value above its foundations, it must not be repaired or reconstructed except for a conforming use in accordance with this bylaw.

moving

8. (3) No person shall move or cause to be moved any building into, or from one property to another in the City of Duncan, without first having obtained from the Building Inspector a permit to carry out such move, and the rehabilitation of the building on the property to which it is to be moved.

(a) A permit is required under this Section and shall only be issued if the following conditions are met:

(i) If the building to be moved is to accommodate Residential Occupancy, the in-place assessed value thereof shall not be less than the average assessed value of the closest ten (10) dwellings to the site designated for the building.

(ii) The floor area of the building to be moved shall be equal to or greater than the minimum floor area requirement for

the property to which it is to be moved, and when located on the said property the building must comply with all setback requirements applicable to the said property.

(iii) The application to move must be accompanied by plans and specifications of the proposed rehabilitation of the building and must be accompanied by a certified cheque in the amount of \$1,000.00 made payable to the City of Duncan, which shall be forfeit to the City of Duncan unless the work specified in the plans and specifications submitted is completed in its entirety within six months from the date of issue of the permit.

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House movers

8. (4)

- (a) Every house-mover shall obtain a licence and a bond or irrevocable letter of Credit in favour of the City to be used to cover the cost of any damages to municipal property, in the amount of \$5,000.00, conditional among other things, that the said party will pay any and all damage which may happen to any tree, pavement, street or sidewalk, or to any telegraph, telephone or other electric wire or pole, whether the said injury be inflicted by the said party or his agents, employees or workmen, and conditional also that the said party will save, and indemnify and keep harmless the City of Duncan against all liabilities, judgements, costs and expenses which may in any way accrue against said City in consequence of the granting of such permit or licence, and which will in all things strictly comply with the conditions of the permit.
- (b) The applicant shall submit a plan designating the route of the move, date and times of start and finish and a copy of permits or approvals from the Ministry of Highways.
- (c) During the use of streets and lanes, the protection of public and private property shall be in full compliance with Canadian Construction Safety Code, supplement to the National Building Code, current edition and Building Regulations of British Columbia.

Duties of the owner

9. Every Owner of a property or his agent shall:

- (1) obtain where applicable from the authority having jurisdiction, permits relating to demolition, excavation, building, repair of buildings, the installation and inspection of solid-fuel burning appliances, masonry fireplaces, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of such work;
- (2) in all cases where it is proposed to conduct the waste from plumbing

fixtures, trade or waste or surface or roof water to a public sewer, make certain, by inquiring from the authority having jurisdiction, that such public sewer is at a sufficient depth and of a capacity to receive such discharge; and also to arrange the plumbing to suit the location of the connection provided for the lot by the authority having jurisdiction;

(3) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the City or Municipal 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;

(4) give at least two days notice to the authority having jurisdiction of the intention to start work on the building site;

Required inspections

(5) give at least two days notice (where a day refers to when the Offices of the City are open) to the authority having jurisdiction and obtain his inspection and approval of the work;

(a) after the forms for footings and foundation are complete, but prior to placing of any concrete therein;

(b) after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to backfilling against foundation;

(c) when framing and sheathing of the building are complete, including fire-stopping, bracing, chimney, ductwork, plumbing, gas venting, wiring, but before any insulation, lath or other exterior or interior finish is applied which would conceal such work;

(d) after the insulation and vapour barrier has been installed, but before any finish has been installed which would conceal such work;

(e) before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing system is covered before it is inspected and approved it shall be uncovered if the authority having jurisdiction so directs, and when considered necessary, underground building drains, branches, storm drains, and sewers shall be re-tested after the completion of all back-filling and grading by heavy equipment;

(f) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.

(g) when any fireplace is put in, masonry at throat level and factory fireplaces prior to boarding up.

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(6) Give notice in writing to the Building Inspector of intent to occupy any building which is not totally completed.

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(7) Every person who undertakes any of the stages of the work described in subsection 9. (5) shall upon completion of that stage of the work notify the Building Inspector and request an inspection.

**Documents on
the Site**

10. The owner to whom a permit is issued shall, during construction, keep:
(1) posted in a conspicuous place on the property in respect of which the permit is issued the building permit or poster or placard in lieu thereof, and
(2) a copy of the accepted drawings and specifications on the property in respect of which the permit was issued.

Equivalents

11. 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 authority having jurisdiction sufficient evidence to satisfy the authority having jurisdiction that the proposed equivalent will provide the level of performance required by this Bylaw.

Climactic Data

12. Climatic data for the design of buildings in this municipality shall be as established by the British Columbia Building Code.

**Other
Regulations
Awnings
Canopies**

13.(1) It shall be unlawful for any person to erect or maintain upon or over any street in the City of Duncan, any awning, the framework of which shall, in any way, extend over said street at a less height than 2.3 meters (7'6") above the sidewalk at any point, or to have thereto a drop or curtain of a greater length or fall than 300 mm (1') below such framework.

(2) Canopies may be erected in front of business premises provided that where such canopy extends over the said street or sidewalk it shall not be of a less height above the street or sidewalk than 2.75 metres (9') and no closer to the edge of the sidewalk than 610 mm (2'). The drainage of the said canopy shall be towards the building or structure supporting the canopy, and the water shall be carried away from thence to the ground by a downspout on the said building or structure.

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**Street
Occupancy**

(3) (a) No person shall occupy any portion of a street or the airspace above the street to maintain, construct, alter, repair, demolish or move a building or part thereof without first making an application in the form prescribed by the City, obtaining a permit to do so from the Authority having jurisdiction, and paying the fee as specified by Council by Bylaw.

- (b) Prior to a street occupancy permit being issued, the applicant shall deposit with the City a certified copy of a public liability insurance policy in the amount of not less than two million dollars (\$2,000,000.00) for any one occurrence insuring both the owner and the City against any liability for personal injury or property damage resulting from such street occupancy.
- (c) Compliance with Part 8 of the British Columbia Building Code (Safety Measures at Construction Sites) is required at all times during occupancy of a street or the air space above a street.

Amend #1978 #1988 #2060 #2060, 2008-Original Section 14. deleted

- Woodstoves** 15. Solid-fuel burning stoves, and space heaters , including fireplace inserts as defined in the British Columbia Building and Fire Codes, shall conform to the requirements of the B.C. Building Code and must be certified to comply with the July, 1990 U.S. Environmental Protection Agency Particulate Emission Standards.
- Penalty** 16. Any person who violates the provisions of this Bylaw or the Building Code is liable on summary conviction to a penalty not exceeding \$1,000.00 and also the costs of the prosecution.
- Repeal** 17. Bylaw No. 1238 of 1978 being the City of Duncan Building Bylaw and Amendment Bylaws thereto are hereby repealed.

READ THE FIRST TIME on the 23rd day of March, 1998.

READ THE SECOND TIME on the 23rd day of March, 1998.

READ THE THIRD TIME on the 14th day of April, 1998.

RECONSIDERED, FINALLY PASSED and ADOPTED on the 27th day of April, 1998 by the Municipal Council of the Corporation of the City of Duncan.

Clerk of the Municipal Council
of The Corporation of the City
of Duncan

Mayor

I HEREBY CERTIFY that the foregoing is a true copy of Bylaw No. 1848 of The Corporation of the City of Duncan, being the "Building Bylaw No. 1848, 1998" as reconsidered, finally passed and adopted by the Municipal Council on the 27th day of April, 1998.

Dated at Duncan, B.C.

this day of

,

City Clerk