
PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 1 - The Building Code

- 13.1.1. 1. The *Building Code* as defined by this Part of the *Kitimat Municipal Code* is hereby adopted and by this reference is made a part of the *Kitimat Municipal Code* and shall apply to all buildings in the District of Kitimat.

Subdivision 2 - Definitions

- 13.1.2. 1. In this Division, the following words have the following meanings:
- “ALTERATION/RENOVATION” means a change made to an existing *building* or *structure* that maintains the floor area of the existing *building* or *structure* and includes but is not limited to:
- a. Construction of, cutting into, or removal of a wall, partition, column, beam, joist or floor within the existing *building* or *structure*; and
 - b. A change to, or closing of, any window or door.
- “ARCHITECT” means an individual who is a member in good standing, licensed by the Architectural Institute of British Columbia, to practice as an Architect in the Province of British Columbia.
- “BASEMENT” means a storey or storeys of a building located below the first storey as defined in the *Building Code*.
- “BUILDING” means any structure used or intended for supporting or sheltering any use or occupancy, and includes a manufactured home.
- “BUILDING CODE” means the *British Columbia Building Code* adopted pursuant to the *Building Act*.
- “BUILDING INSPECTOR” means a qualified building official designated by the District of Kitimat from time to time to be the Building Inspector, and includes any qualified building official designated as his or her assistants and deputies.

Subdivision 2 - Definitions (Continued)

“BUILDING PERMIT” means a permit authorizing construction, reconstruction, repair or alteration/renovation of a building or structure.

“CITY” means District of Kitimat

“COMPLEX BUILDING” means a building or structure exceeding 600 square metres in building area or exceeding three stories in building height used or intended to be used for, in whole or part, commercial, industrial, or institutional purposes, or a multi-family residential building containing five or more dwelling units.

“CONSTRUCTION TRAILER” means a prefabricated trailer mounted on a steel frame with attached axle/s and wheels or skids, CSA certified, detached from other structures used for the purpose of temporary office, lunchroom, first-aid room, washroom, storage or other related use on a construction site.

“CONSTRUCTION TRAILER COMPLEX” means a single prefabricated trailer mounted on a steel frame or skids assembled and connected to other trailers to form a complex and used for the purpose of office, lunchroom or other related use on a construction site.

“CONTRACTOR” means a person who contracts with an owner to undertake a building project, and includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof.

“DAMAGE” means physical harm caused to property resulting in loss of value or the impairment of usefulness and includes but is not limited to physical harm to roads, curbs, gutters, boulevards, sidewalks, hydrants, valves and other appurtenances, street lighting, street furnishings, and trees, or, the placement, dropping, or deposit of any dirt, debris, plants, materials, objects, or substances.

“DECK” means a structure attached to a dwelling, with no walls except for visual partitions and railings, which is constructed with a floor on posts and beams above grade for use as an outdoor living area.

“DECK PERMIT” means a permit authorizing the construction, reconstruction, repair or alteration/renovation of a deck.

“DEMOLITION PERMIT” means a permit authorizing the demolition, or partial demolition, of a building or structure.

Subdivision 2 - Definitions (Continued)

“DISTRICT” – means the District of Kitimat.

“DO NOT OCCUPY NOTICE” means a directive by the building inspector to the owner to cease occupancy of a building.

“DWELLING” AND “DWELLING UNIT” means a room or suite of rooms comprising a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“ELEVATIONS” means elevation above sea level in District of Kitimat datum.

“FENCE” means a structure serving as an enclosure, a barrier or a boundary, usually made of posts or stakes, joined together by boards, wire or rails and includes a gate, screen, trellis and wall that is not a retaining wall.

“FIELD REVIEW” means a site visit, inspection and report review by a registered professional regarding the work at a construction site to which a building permit relates.

“FINISHED GRADE” means the final elevation of the ground surface adjacent to a building or structure after construction.

“GARAGE” means a structure which is attached to a dwelling by a common wall, common roof structure, breezeway or other form of attachment or a detached stand-alone structure and is designed or used for the sheltering or motor vehicles and the storage of household goods incidental to the residential use of the dwelling.

“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, excluding localized depressions such as for vehicle and pedestrian entrances.

Subdivision 2 - Definitions (Continued)

“LETTERS OF ASSURANCE” means the letters attached as Schedule A, Schedule B and Schedule C-A and C-B of Part 2 of Division C of the *Building Code*, amended as necessary by the registered professional in cases where the letters are required by the building inspector but not required by the *Building Code*.

“MANUFACTURED HOME” means a factory built, single detached dwelling unit conforming to CAN/CSA-Z240 MH.

“OCCUPANCY” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

“OWNER” means, in respect of a parcel,

- a. the registered owner of an estate in fee simple;
- b. the tenant for life under a registered life estate;
- c. the registered holder of the current or most recent registered agreement for sale;
- d. the holder of occupier of land held in the manner referred to in Section 228 (taxation of Crown land used by others) or Section 229 (taxation of Municipal land used by others) of the Community Charter.

“PAVED” means surfaced with asphalt, concrete or brick that cannot be removed by natural weather conditions.

“PLUMBING FIXTURE” means a toilet, water closet, sink, lavatory, bathtub, shower, hot water tank, clothes washer, dishwasher, floor drain, roof drain, water heater, oil and grease interceptor, sump, catch basin, backflow prevention device, vacuum breaker and any similar appliance which is connected to a sanitary drain, water supply or internal rain water leader.

“PLUMBING SYSTEM” means a system of pipes and fixtures installed in a building for the distribution of potable water and the removal of sanitary wastes or rain water.

“QUALIFIED BUILDING OFFICIAL” means

- a. person having the qualifications described by the District of Kitimat; and
-

Subdivision 2 - Definitions (Continued)

- b. upon the coming into force of s. 10 of the *Building Act*, a qualified building official as defined in the *Building Act*.

“RECONSTRUCTION” means to re-build a building or structure, including any structural elements, to original design, dimensions and materials.

“REGISTERED PROFESSIONAL” means

- a. a person who is registered or licensed to practice as an architect under the *Architects Act*; or
- b. a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

“RENTAL PREMISES” means a building containing one or more rental units.

“RENTAL UNIT” means residential living accommodation of any kind that is rented or intended to be rented to a tenant under a tenancy agreement and includes, without limitation, a dwelling unit, a sleeping unit or a housekeeping unit.

“REPAIR” means the replacement of an existing component of a building or structure, other than a structural element, with a component of like characteristics.

“SECONDARY SUITE” means a self-contained, accessory dwelling unit located within a principal single-detached dwelling having its own separate cooking, sleeping and bathing facilities and direct access to the outside without passing through any part of the principal dwelling unit.

“SECURITY” means cash, a certified cheque or an unconditional, irrevocable and automatically renewing letter of credit issued by a chartered bank or credit union.

“SECURITY FENCE” means a temporary structure that surrounds the perimeter of a construction or demolition site to prevent access.

“SETBACK” means the horizontal distance measured at right angles to a parcel line, between the parcel line and the nearest point of a building, structure, or use.

Subdivision 2 - Definitions (Continued)

“STRUCTURAL ENGINEER OF RECORD (SER)” means a Structural Engineer engaged to review, certify and provide letters of assurance for the structure, engineered components and foundations of a standard building.

“SHED” means an outbuilding used for storage.

“SIDING” means a material used for surfacing the outside walls of a wood frame building.

“STANDARD BUILDING” means a building that is not a complex building and includes a single-family dwelling, a manufactured home, and a multi-family residential building having four or fewer dwelling units on one parcel.

“STOP WORK NOTICE” means a directive by the building inspector to an owner to cease work on a building or structure.

“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 metres in height.

“VALUE” in relation to construction means all costs of construction, materials and labour required to carry out the construction to completion.

Subdivision 3 – Purpose of Part 13

- 13.1.3.
1. Interpretation of Part 13 – This Part, notwithstanding any other provision herein, be interpreted in accordance with this Subdivision 3.
 2. Purpose of Part 13 – This Part has been enacted for the purpose of providing for the administration and regulation of the *Building Code* within the District of Kitimat and to regulate building and development in general in respect to those matters not included in the *Building Code*.
 3. Limitations of Part 13 – It is not contemplated nor intended, nor does the purpose of this Part extend:
 - a. to the protection of owners, constructors, subsequent owners, or any other person from economic loss;
-

Subdivision 3 – Purpose of Part 13 (Continued)

- b. to the assumption by the District or any building inspector of any responsibility for ensuring the compliance by any owner, his or her agent or representative, or employees, constructors or designers retained by him or her, with the *Building Code*, the requirements of this Part or other applicable enactments respecting health or safety
- c. to providing any person a warranty of design or workmanship with respect to any building or structure for which a permit or occupancy permit is issued under this Part; or
- d. to providing a warranty or assurance that construction undertaken pursuant to permits issued by the District is free from latent, or any defects.

Subdivision 4 – Permit Conditions

- 13.1.4.
 - 1. A permit is required whenever and before work regulated under this Part is undertaken.
 - 2. Disclaimer of Warranty or Representative – Neither the issuance of a permit under this Part, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a building inspector, shall constitute representation, warranty, assurance or statement that the *Building Code*, *Municipal Code* or other enactments respecting health and safety have 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*, this Part or any other applicable enactments respecting health and safety. The person to whom a permit is issued is responsible for making such determination.
 - 3. Owner Responsibility –
 - a. It shall be the full and sole responsibility of the owner to carry out the work in respect of which the permit was issued in compliance with the *Building Code*, this Division and other applicable enactments respecting health and safety.
-

Subdivision 4 – Permit Conditions (Continued)

- b. 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 work authorized by the permit, and shall acknowledge this prior to issuance of the permit by signing the Damage Deposit form and providing the required security.

Subdivision 5 – Scope and Exemptions

- 13.1.5.
 1. Applications - This Part applies to the design, construction and occupancy of new buildings and structures, and the alteration/renovation, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures. Where renovation, repair or addition to a building are undertaken the Building Inspector may require upgrades to the entire building as provided in Appendix A of the Code.
 2. Exemptions - This Part does not apply to buildings or structures exempted by Section 1.1.1.1(2)(a) to (e), (g) to (h) of the *Building Code*, nor to retaining structures less than 1.2 metres in height. A Building permit is not required for the replacement of the following maintenance work:
 - a. replacement of roofing materials providing like materials are used;
 - b. replacement of windows within existing wall openings;
 - c. replacement of plumbing fixtures;
 - d. exterior siding replacement that does not require changes to the building envelope assembly to meet the manufacturers' installation instructions.

Subdivision 6 – Prohibitions

- 13.1.6.
 1. Permits Required – No person shall commence or continue any construction, alteration/renovation, reconstruction, demolition, removal, relocation of any building or structure or plumbing system, including excavation or other work related to construction, unless a building inspector has issued a valid and subsisting permit for the work.
-

Subdivision 6 – Prohibitions (Continued)

2. Occupancy Permit – No person shall occupy or use any building or structure, or part of it, unless a valid and subsisting occupancy permit has been issued by a building inspector for the entire building or structure, or contrary to the terms of any occupancy permit issued or any notice given by a building inspector.
3. No False Information – No person shall knowingly submit false or misleading information to a building inspector in relation to any permit application or construction undertaken pursuant to this Part.
4. No Tampering with Permit – No person shall reverse, alter, deface, cover, remove or in any way tamper with any notice, order, permit or certificate issued by the building inspector, including one posted upon or affixed to a building or structure pursuant to this Part.
5. No Variances – No person shall do any work that is substantially at variance with the 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 inspector.
6. No Obstruction of Building Inspector – No person shall obstruct the entry of a building inspector or other authorized official of the District of Kitimat on property in the administration of this Part.
7. Structural Damage – At the discretion of the building inspector, any building that has experienced structural damage due to a tornado, earthquake or other act of Nature, fire, decay or man-made disaster, shall provide an engineer's report upon the completion of the repairs, certifying that the work has been completed in accordance with the engineer's recommendations.
8. Despite any other provision of Part 13, no permit shall be issued without prior issuance of a development permit, where such permit is required by Section 489 of the *Local Government Act*.

Subdivision 7 – Owners and Authorized Agents

- 13.1.7.
1. Use of An Agent - An owner may appoint an agent for the purposes of this Part, by completing and delivering to the building inspector the District's form for that purpose, and all subsequent applications, requests and other acts of the agent shall be deemed to be acts of the owner and all permits, notices, acceptances and other notices delivered to the agent will be deemed to have been delivered to the owner.
-

Subdivision 7 – Owners and Authorized Agents (Continued)

2. An owner may not revoke an appointment of an agent for the purposes of this Part unless the owner provides the building inspector with a written revocation.
3. Rules on Signing by Owners - Where an application, letter or other document is required by this Part to be provided by the owner, the following apply:
 - a. the document must be signed by the owner;
 - b. if a corporation is an owner of the property, the document must be signed by at least one signing officer of the corporation;
 - c. if the property is or involves common property of a strata corporation, the document must be signed by two members of the strata council, and depending on the circumstances, the building inspector may require proof;
 - d. a document may be signed by the owner's authorized agent, if the owner has provided the building inspector with a signed authorization of that person as agent for all purposes associated with the construction.

Subdivision 8 – Building Inspector

Powers of Building Inspectors

- 13.1.8.
1. Each building inspector may:
 - a. administer this Part and all other *Municipal Codes* and permit relating to any property for which a permit has been issued, or relating to any property for which a permit is required for the activity underway or completed;
 - b. keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of documents related to the administration of this Part 13 including digital copies of such documents;
-

Subdivision 8 – Building Inspector (Continued)

- c. establish if requested to do so, whether the methods or types of construction and types of materials proposed to be used in the construction of a building or structure for which a permit is sought under this Part will achieve at least the minimum level of performance of the applicable acceptable solution described in the *Building Code*;
- d. post a *Stop Work Notice*, or otherwise order the cessation of work that is proceeding in contravention of this Part, a permit or the *Building Code*;
- e. post a *Do Not Occupy Notice*, or otherwise order to cease occupancy of a building that is proceeding in contravention of this Part, a permit or the *Building Code*;
- f. refuse to issue a permit where, the application for a permit or the proposed construction does not comply with the *Building Code*, this *Division of Part 9 of the Municipal Code* or where in his/her opinion, the results of tests of materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory;
- g. prescribe from time to time the form for applications, permits, orders and other notices referred to in this Part.

Entry onto Land

- 13.1.8. 2. A building inspector may:
- a. enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the requirements of the *Building Code* and this Part are being observed;
 - b. where any residence is occupied, obtain the consent of the occupant or provide written notice to the occupant TWENTY-FOUR (24) hours in advance of entry; and
 - c. carry proper credentials confirming his/her status as building inspector.
-

Subdivision 8 – Building Inspector (Continued)

- 13.1.8. 3. Order Correction of Work - A building inspector may order the correction of any work that is being or has been done in contravention of the *Building Code*, this Part or a permit issued under this Part.
- 13.1.8. 4. Unavailability of Building Inspector - The District may, in circumstances in which a building inspector is not available to exercise powers to perform duties under this Part, issue a building permit, plumbing permit, demolition permit, solid fuel burning appliance permit, occupancy permit or fire sprinkler permit, if a qualified building official who is not a building inspector as defined in the *Building Act*, has certified that the application for the permit and the proposed construction comply with the *Building Code* and this Part, or in the case of an occupancy permit that the construction complies with the *Building Code*, this Part and the applicable permit.
-