

THIS CONSOLIDATED BUILDING BYLAW IS FOR CONVENIENCE PURPOSES ONLY AND SHOULD NOT BE USED FOR LEGAL OR INTERPRETIVE PURPOSES WITHOUT REFERENCE TO THE ORIGINAL BYLAW AND AMENDING BYLAWS

CONSOLIDATED COMOX BUILDING BYLAW 1472

TABLE OF AMENDMENTS TO COMOX BUILDING BYLAW 1472

Bylaw	Amend. #	Date Adopted	Comments
1569	1	Not adopted	
1672	2	Oct. 6, 2010	Section 25(e) Responsibilities of the Owner
1730	3	Aug. 15, 2012	Moving Buildings; Municipal Ticketing; Secondary Suite Declaration
1782	4	Jun 18, 2014	Change bylaw name Parking areas defined as structures
1786	5	Jun 18, 2014	Fee reduction provisions in Downtown Vitalization Program
1796	6	Jan 7 2015	Add climatic data
1903	7	Mar 20, 2019	Update BCBC references, ban wood stoves, add Sec. Suite and Coach House Declaration.
1937	8	March 4, 2020	Adopt BC Energy Step Code
1952	9	June 17, 2020	Amend Schedule 1, Scale of Fees, for buildings within Downtown Vitalization Program
1962	10	Nov 4, 2020	Amend Schedule 2, Adding Offence, Fail to comply with Stop Work Order
1967	11	Feb 17, 2021	Amend Schedule 1, Scale of Fees, for Site Disclosure Form Review
1922	12	Oct 20, 2021	Amend Section 18 to reference Comox Runoff Control Bylaw
1989	13	Nov 17, 2021	Amend Section 2 & 21 for Chicken Coops

1472.14	14	Sept 4, 2024	Amend Section 18 & 32 to delete Forms VIII and IX
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TOWN OF COMOX

BYLAW 1472

A BYLAW TO REGULATE, PROHIBIT AND IMPOSE REQUIREMENTS IN RELATION TO BUILDINGS AND OTHER STRUCTURES

WHEREAS the *Community Charter* authorizes the Town of Comox, for the health, safety and protection of persons and property, to regulate, prohibit and impose requirements in relation to buildings and other structures;

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 Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the Comox Building Bylaw 1472. (#1782 Jun 18/14) (#1903 Mar 20/19)

2. Definitions

- (1) In this Bylaw, the following words and terms have the meanings set out in Section 1.4 of the ***Building Code: 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, plumbing system, registered professional, and residential occupancy.*** (#1903 Mar 20/19)

- (a) "Building Code" means the current *British Columbia Building Code* as adopted by the Minister pursuant to the *Building Act*. (#1903 Mar 20/19)
- (b) "Building Official" includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Town of Comox.
- (c) "Chicken Coop" means a building or part thereof used for the rearing of hens.

- (d) “Complex Building” means:
- (i) all **buildings** used for **major occupancies** classified as
 - (A) **assembly occupancies,**
 - (B) **care or detention occupancies,** or
 - (C) **high hazard industrial occupancies,** and
 - (ii) all **buildings** exceeding 600 square meters in **building area** or exceeding three storeys in **building height** used for **major occupancies** classified as residential occupancies,
 - (A) **business and personal services occupancies,**
 - (B) **mercantile occupancies,** or
 - (C) **medium and low hazard industrial occupancies.**
- (e) “Energy Advisor” means a person who is registered and in good standing as an energy advisor by Natural Resources Canada who conducts EnerGuide home evaluations on behalf of service organizations licensed by Natural Resources Canada. (#1937 Feb 5/20)
- (f) “Energy Step Code” means, in relation to Standard Buildings, Article 9.36.6 of Division B of the Building Code and, in relation to Complex Buildings that contain any major occupancy of residential, business and personal services or mercantile, Article 10.2.3 of Division B of the Building Code, and a reference to a numbered step in the Energy Step Code is a reference to a step established in the Energy Step Code. (#1937 Feb 5/20)
- (g) “EPA standards” means the Environment Protection Agency standards set out in title 40 of the Code of Federal Regulations Part 60 and published in the Federal Register by the Executive departments and agencies of the Federal Government of the U.S.A.
- (h) “Floating Building” means a **building** built on a flotation system, not primarily intended for, or usable in, navigation.
- (i) “Health and safety aspects of the work” means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31 except to the extent that it deals with the potability of a water supply, 9.32, and 9.34 of Part 9 of the **Building Code**.
- (j) “Owner” means the registered owner in fee simple and includes, in the case of an application for a permit where a **building official** determines that it is not practical, by reason of health, disability or absence from the Province, for the registered **owner** to sign the application, an agent of the **owner** authorized in the form attached as Form I.

- (k) “Private Swimming Pool” means any constructed or prefabricated pool, situated on or below ground level, used or intended to be used for swimming, wading or bathing, and having a depth of more than 0.6 meters, that is not subject to regulations under the *Health Act*.
- (l) “Standard building” means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters and used for **major occupancies** classified as
- (i) **residential occupancies**,
 - (ii) **business and personal services occupancies**,
 - (iii) **mercantile occupancies**, or
 - (iv) **medium and low hazard industrial occupancies**.
- (m) “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 1.2 meters or less in height.
- (n) “Wood Burning Appliance” means a device designed for wood combustion producing usable heat for the interior of a **building** or **structure** and includes, but is not limited to, wood stoves, fireplaces, fireplace inserts and combination fuel furnaces.

3. Purpose of Bylaw

- (1) The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section
- (2) This bylaw has been enacted for the purpose of regulating construction within the Town of Comox in the general public interest. The activities undertaken by or on behalf of the Town of Comox pursuant to this bylaw are for the sole purpose of providing a limited and interim spot-checking function for reasons of health, safety and the protection of persons and property, and for the purpose of monitoring compliance with zoning and Development Permit requirements. (#1782 Jun 18/14) It is not contemplated nor intended, nor does the purpose of this bylaw extend:
- (a) to the protection of **owners**, owner/builders or **constructors** from economic loss;
 - (b) to the assumption by the Town of Comox 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 health or safety;

- (c) to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building, occupancy, or other permit is issued under this bylaw; or
- (d) to providing a warranty or assurance that construction undertaken pursuant to building or other permits issued by the Town of Comox is free from latent, or any defects.

4. Permit Conditions

- (1) A permit is required whenever work regulated under this bylaw is to be undertaken.
- (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 Town of Comox 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 health or safety.
- (3) 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** and this bylaw or other applicable enactments respecting health or safety.
- (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 Town of Comox constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting health or safety have been complied with.
- (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 or other permit is issued and his or her representatives are responsible for making such determination.

5. Scope and Exemptions

- (1) This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation and **occupancy** or change of **occupancy** of existing **buildings** and **structures**.

- (2) This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except to the extent that the bylaw requires a permit for, or establishes standards for, the construction of such **building** or **structure**, nor to retaining **structures** 1.2 meters or less in height.

6. Prohibitions

- (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 permit for the work.
- (2) No person shall occupy or use any **building** or **structure** unless an 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**.
- (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.
- (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.
- (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) No person shall obstruct the entry of a **building official** or other authorized official of the Town of Comox on property in the administration of this bylaw.

7. Building Officials

- (1) Each **building official** may:
- (a) administer this bylaw;
 - (b) prescribe from time to time the form of permits, permit applications, notices and orders referred to in this bylaw, except where the form is prescribed by the bylaw;
 - (c) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this bylaw; (#1903 Mar 20/19)

- (d) monitor and audit the certifications of **registered professionals** provided under this bylaw as to compliance of plans submitted by the **registered professional** with the **Building Code** and other enactments respecting safety, and require **registered professionals** to resubmit plans and supporting information if such monitoring identifies deficiencies in any certification;
 - (e) monitor and audit **field reviews** undertaken by **registered professionals**, by receiving and reviewing their **field review** reports, accompanying them on **field reviews**, conducting spot checks of construction that has been or will be the subject of a **registered professional's field review**, and taking such other measures as they may deem appropriate to verify that **field reviews** required by this bylaw or the **Building Code** are properly conducted; and
 - (f) 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**.
- (2) **A building official:**
- (a) 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;
 - (b) 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
 - (c) shall carry proper credentials confirming his or her status as a **building official**.
- (3) A **building official** may order the correction of any work that is being or has been done in contravention of this bylaw or a permit issued pursuant to this bylaw.
- (4) A **building official** may order that work concealed in contravention of this bylaw be partially or completely uncovered.

8. Applications

- (1) An application for a building permit will not be accepted for a **building** or **structure** located in a Development Permit area until a Development Permit for the **building** or **structure** has been approved by the Town of Comox, unless a development permit exemption applies.
- (2) Every person shall apply for and obtain:

- (a) a building permit before constructing, repairing or altering a **building** or **structure**;
 - (b) a moving permit before moving a **building** or **structure** including a **floating building**, or undertaking any demolition, alteration or construction of a **building** or **structure** prior to such a move;
 - (c) a demolition permit before demolishing a **building** or **structure**;
 - (d) a building permit prior to the construction of a masonry fireplace and chimney or the installation of a **wood burning appliance** and chimney, unless the works are encompassed by a building permit authorizing the construction of the **building** in which these components are included;
 - (e) a plumbing permit before installing, adding to, or altering a **plumbing system** in a new or existing **building** or **structure**; and
 - (f) a swimming pool permit before constructing or installing a **private swimming pool**.
- (3) An application for a, plumbing permit, demolition permit, swimming pool permit or fireplace and chimney permit shall be made in the form prescribed for that purpose by a **building official**.
 - (4) All plans submitted with permit applications shall bear the name and address of the **designer** of the **building** or **structure**.
 - (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 by a **building official**.

9. Applications for Complex Buildings

- (1) An application for a building permit with respect to a **complex building** shall:
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form II to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application and copies of all charges on title in favour of the Town; (#1903 Mar 20/19)
 - (d) unless a **building official** waives the requirement in whole or in part for an application to repair or alter an existing **building** or **structure**, include a site

plan drawn at a suitable scale, or when required by the **building official** a site plan prepared by a British Columbia Land Surveyor, showing:

- (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel, including all motor vehicle parking and loading areas, paved areas, driveways and maneuvering aisles, pedestrian walkways, fences, retaining walls of any height, hard landscaping elements and similar structures; (#1782 Jun 18/14)
 - (v) setbacks to the natural boundary of the sea or to any lake, swamp, marsh, pond or watercourse where the Town of Comox land use or flood plain regulations establish siting requirements related to water bodies;
 - (vi) 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 Town of Comox flood plain regulations establish siting requirements related to minimum floor elevation; and
 - (vii) the gradient of parking and driveway access; (#1782 Jun 18/14)
- (e) include 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 fixtures; structural elements; and stair dimensions;
 - (f) include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - (g) include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
 - (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the requirements of the **Building Code** in relation to the **health and safety aspects of the work**;

- (i) include copies of approvals required under any enactment relating to health or safety, including, without limitation, highway access permits and Ministry of Health approval;
 - (j) include a letter of assurance in the form of Schedule A as referred to in Division C Part 2.2.7 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**; (#1903 Mar 20/19)
 - (k) include letters of assurance in the form of Schedule Bas referred to in Division C Part 2.2.7 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**; (#1903 Mar 20/19)
 - (l) include a letter in the form of Form V to this bylaw in relation to the building envelope components of the plans and supporting documents, in cases where the **coordinating registered professional** is not insured in respect of errors and omissions pertaining to building envelope matters or chooses to engage a building envelope specialist to prepare the design and conduct **field reviews** of the construction of building envelope elements; and
 - (m) include 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)(e) to 9(1)(h) of this bylaw.
- (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** or during the construction of such a **building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**;
 - (b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways; and
 - (c) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the requirements of the **Building Code** in relation to the **health and safety aspects of the work**, and other bylaws and enactments relating to the **building** or **structure**.

10. Applications for Standard Buildings

- (1) An application for a building permit with respect to a **standard building** shall:
- (a) be made in the form prescribed by a **building official** for that purpose, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form II to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application and copies of all charges on title in favour of the Town; (#1903 Mar 20/19)
 - (d) unless a **building official** waives the requirement in whole or in part for an application to repair or alter an existing **building** or **structure**, include a site plan drawn at a suitable scale, or when required by the **building official** a site plan prepared by a British Columbia Land Surveyor, showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel, including all motor vehicle parking and loading areas, paved areas, driveways and maneuvering aisles, pedestrian walkways, fences, retaining walls of any height, hard landscaping elements and similar structures; (#1782 Jun 18/14)
 - (v) setbacks to the natural boundary of the sea or to any lake, swamp, marsh, pond or watercourse where the Town of Comox land use or flood plain regulations establish siting requirements related to water bodies;
 - (vi) 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 Town of Comox flood plain regulations establish siting requirements related to minimum floor elevation; and
 - (vii) The-gradient of parking and driveway access; (#1782 Jun 18/14)
 - (e) include floor plans drawn at a suitable scale 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 fixtures; structural elements; and stair dimensions;
- (f) include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
 - (g) include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, vertical dimensions and finished grade;
 - (h) include cross-sectional details drawn at a suitable scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the requirements of the **Building Code** in relation to the **health and safety aspects of the work**;
 - (i) include copies of approvals required under any enactment relating to health or safety, including without limitation, highway access permits and evidence that any filings required under the *Health Act* in relation to any on-site sewage disposal system have been made;
 - (j) include, except in the case of an application to construct a one-family or two-family dwelling or an accessory building to such a dwelling, a foundation design prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code**, accompanied by a letter in the form of Form III to this bylaw, signed by the **registered professional**;
 - (k) include a letter in the form of Form V to this bylaw in relation to the building envelope components of the plans and supporting documents, in the case of an application to construct:
 - (i) any **building** for a **residential occupancy** containing two or more dwelling units; and
 - (ii) any **building** subject to Part 9 of the **Building Code** that has a gross floor area of 470 square metres or more; a face sealed wall system; any roof without overhangs; any exposed glass block window; any exposed concrete or concrete block wall; or any firewall; and
 - (l) include two sets of drawings at a suitable scale of the design including the information set out in sections 10(1)(e) to 10(1)(h) and 10(1)(j) of this bylaw.
- (2) The requirements of section 10(1)(j) may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to section 56 of the *Community Charter* and the building permit is issued in accordance with that section.

- (3) The requirements of section 10(1)(j) 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 the **Building Code** and the foundation excavation substantially complies with section 9.12 of Part 9 of the **Building Code**.
- (4) In addition to the requirements of section 10(1), the following may be required by a **building official** to be submitted with a plumbing permit application or a building permit application for the construction of a **standard building** or during the construction or such a **building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**;
 - (b) a section through the site showing grades, **buildings, structures**, parking areas and driveways;
 - (c) a roof plan and roof height calculations;
 - (d) design drawings acceptable to the **building official** for a proposed **plumbing system**;
 - (e) architectural, structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
 - (f) letters of assurance in the form of Schedule Bas referred to in Division C Part 2.2.7 of the **Building Code**, signed by the **registered professional**; and (#1903 Mar 20/19)
 - (g) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the requirements of the **Building Code** in relation to the **health and safety aspects of the work**, and other bylaws and enactments relating to the **building** or **structure**.

11. Climatic Data

The following Degree-Days below 18°C datum applies to the design and construction of buildings and structures in the Town of Comox in place of the corresponding datum in Appendix C of Division B of the **Building Code**: 2978.7 (#1796 JAN 7/15)

12. Energy Step Code (#1937 Feb 5/20)

- (1) Effective March 16, 2020 but subject to section 12(3), standard buildings shall be designed and constructed to conform to Step 2 of the Energy Step Code.
- (2) Effective March 16, 2020, complex buildings containing any of the following major occupancies:
 - (a) residential,
 - (b) business and personal services, or
 - (c) mercantile,

shall be designed and constructed to conform to Step 2 of the Energy Step Code.

- (3) Effective January 1, 2021, standard buildings shall be designed and constructed to conform to Step 3 of the Energy Step Code.
- (4) Where this bylaw requires that a building is to be designed and constructed to conform with a Step of the Energy Step Code:
 - (a) the owner shall give at least 24 hours notice to a building official before an Energy Advisor does any testing or energy modelling, advising of the time of the testing or modelling, and a building official may attend such testing or modelling;
 - (b) if the building is a standard building:
 - (i) the application for a building permit for the building shall include a Pre-Construction BC Energy Compliance Report – Performance Paths for Part 9 Buildings: Pre-Construction Form (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an Energy Advisor, and such other reports, documentation and materials as may be required by the Building Official with respect to Energy Step Code compliance;
 - (ii) prior to cover of wall assembly, the building shall be tested for airtightness in accordance with the applicable requirements of the Energy Step Code and the owner shall provide the Town of Comox with a BC Energy Compliance Report – Performance Paths for Part 9 Buildings: Mid-Construction Form (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an Energy Advisor, and such other reports, documentation and materials as may be required by the Building Official with respect to such testing; and

(iii) prior to the issuance of an occupancy permit for the building, the owner shall provide the Town of Comox with a BC Energy Compliance Report - Performance Paths for Part 9 Buildings: As-Built Form (in the latest form from time to time published by the Province of British Columbia), prepared and signed by an Energy Advisor, and such other reports, documentation and materials as required by the Building Official with respect to Energy Step Code compliance;

and

(c) prior to the issuance of an occupancy permit for the building, the owner shall provide the Town of Comox with a letter of assurance, in a form determined by the building official, signed by the Energy Advisor confirming and giving assurance that the mechanical systems, plumbing systems and electrical systems in the constructed building are the same as the systems in respect of which testing, confirmation or both were conducted for all letters of assurance provided to the Town of Comox for the building.

(5) References to “letters of assurance” in sections 13(1), 17(1), 18(2)(a) and 24(c) shall be deemed to include compliance reports and letters of assurance required under this section 12.

13. Professional Plan Certification

- (1) The letters of assurance in the form of Schedule B referred to in Division C Part 2.2.7 of the **Building Code** and provided pursuant to this bylaw are relied upon by the Town of Comox 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. (#1903 Mar 20/19)
- (2) When a building permit is issued and letters of assurance have been provided pursuant to this bylaw a notice shall be included 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.
- (3) When a building permit is issued in accordance with section 13(2) and letters of assurance have been provided pursuant to this bylaw the permit fee shall be reduced by 10% of the building permit fees payable pursuant to Schedule 1 to this bylaw.

14. Fees and Charges

- (1) In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule 1 to this bylaw, shall be paid in full prior to the issuance of any permit under this bylaw.

- (2) An application made for a building permit shall be accompanied by the appropriate application fee as set out in Schedule 1 to this bylaw.
- (3) The application fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- (4) An application shall be cancelled and the application fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of the permit application.
- (5) When an application is cancelled the plans and related documents submitted with the application may be disposed of or destroyed.
- (6) The **owner** may obtain a refund of the permit fees set out in Schedule 1 to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
 - (a) the refund shall not include the application fee paid pursuant to section 14(2) of this bylaw; and
 - (b) no refund shall be made where construction has begun or an inspection has been made.
- (7) 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 1 to this bylaw shall be paid prior to additional inspections being performed.
- (8) If more than two inspections are required at the same stage of work described in section 17(4) the **owner** shall pay the re-inspection fee prescribed in Schedule 1.
- (9) An inspection charge, as set out in Schedule 1 to this bylaw, shall be payable in advance for a voluntary inspection or to obtain a report on the status of an existing **building** or **structure**.
- (10) A new **owner** of property in respect of which a permit has been issued under this bylaw may apply to a **building official** to have the permit reissued in their name, and a **building official** may reissue the permit upon receipt of Form II executed by the new **owner** and the transfer fee specified in Schedule 1.
- (11) If as a result of monitoring by a **building official** under section 7(1)(d) resubmission of plans or supporting information is required, the **owner** shall pay the resubmission fee set out in Schedule 1.

15. Damage to Municipal Property

- (1) Every **owner** to whom a permit is issued shall when required by the **building official**, provide at the time of permit issuance a written acknowledgement of responsibility and undertaking to repair in the form prescribed by a **building official** for that purpose, and in the case of projects with an estimated value in excess of \$10,000 shall provide security in the form of cash or an irrevocable letter of credit in the amount of \$750 in the case of a permit to construct a one-family or two-family dwelling and \$750 plus \$30 per metre of highway frontage of the parcel that is the subject of the permit in all other cases, to secure payment for:
 - (a) the cleanup of or correction of any damage to municipal property or infrastructure; or
 - (b) attendance by the Fire Department to control and extinguish illegal or uncontrolled firesthat occur in the course of the work authorized by the permit.
- (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.
- (3) Every **owner** to whom a permit is issued shall be responsible for ensuring that all construction waste or debris is collected, contained and disposed of in order to prevent an untidy accumulation of such materials on the construction site or surrounding municipal or private properties.
- (4) The Town of Comox may apply the security provided under section 15(1) towards outstanding cleanup, damage or Fire Department costs that occur in the course of the work authorized by the permit, and nothing contained in this bylaw shall prevent the Town of Comox from recovering costs exceeding the amount of the security.
- (5) Any remaining security shall be returned to the provider of the security once the Town of Comox has ascertained there are no outstanding cleanup, damage or Fire Department costs.

16. Moving Buildings

- (1) The **owner** of the parcel on which the proposed **building** to be moved is located shall pay to the Town of Comox all outstanding utility fees, municipal taxes and applicable interest prior to the issuance of the moving permit.

- (2) Every **owner** or moving contractor to whom a moving permit is issued shall ensure that persons and property are protected from injury and damage during the move.
- (3) A moving permit shall not be issued until a building permit has been issued in accordance with this bylaw for the relocation of the **building** to its new location. (#1730 Aug 15/12)
- (4) The work authorized by the moving permit shall be completed within three months of the permit being issued, or the permit shall expire.
- (5) The moving permit applicant must pick up an approved moving permit and pay the fee prescribed in Schedule 1 within 30 days of the approval date, or a new application will be required.
- (6) When a **building** is raised to accommodate a basement or relocated to another foundation site, the existing chimney or fireplace shall be dismantled and the **owner** shall obtain a permit for the replacement fireplace or chimney from the **building official**.
- (7) The **owner** shall provide notice of disconnection from municipal water and sewage systems and such disconnections shall be carried out only by the Town of Comox.

17. Inspections and Monitoring

- (1) When a **registered professional** provides letters of assurance in accordance with this bylaw, the Town of Comox will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to 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.
- (2) A **building official** may from time to time during the course of construction attend the site in respect of which letters of assurance have been provided, to ascertain that the **field reviews** are taking place and to monitor **field reviews** undertaken by the **registered professionals**.
- (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 enactments concerning health and safety.
- (4) For **complex buildings** the **registered professional** or the **owner** shall, for the purpose of section 17(2), give at least 24 hours' notice to a **building official**,

which need not be in writing unless required by the **building official**, prior to proceeding beyond the following aspects of work:

- (a) the installation of completed concrete footing formwork, prior to the placement of concrete therein;
 - (b) the installation of any concrete formwork requiring reinforcing steel, prior to the placement of concrete therein;
 - (c) the installation of perimeter drain tile and damp proofing, prior to backfilling and after a copy of the survey certificate has been provided;
 - (d) the preparation of ground, including insulation, vapour barrier and reinforcing steel, when required, prior to the placing of a concrete slab;
 - (e) the rough in of factory built chimneys and fireplaces and **wood burning appliances**;
 - (f) the framing and sheathing, prior to the installation of any insulation or exterior finish including sheathing membrane;
 - (g) the service plumbing from the **building** to the property line, after the required tests to sanitary and water supply lines have been applied;
 - (h) the rough in of under slab drain, waste, vent and water supply plumbing, after the required tests have been applied and prior to the placement of concrete;
 - (i) the rough in of drain, waste, vent and water supply plumbing, after the required tests have been applied;
 - (j) the insulation and vapour barrier, prior to the application of any interior finish and after the completion of the siding or other exterior finish; and
 - (k) when the **building** or **structure** is complete, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- (5) For **standard buildings**, the **owner** shall give at least 24 hours' notice to a **building official**, which need not be in writing unless required by the **building official**, 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:
- (a) the installation of completed concrete footing formwork, prior to the placement of concrete therein;
 - (b) the installation of any concrete formwork requiring reinforcing steel, prior to the placement of concrete therein;

- (c) the installation of perimeter draintile and dampproofing, prior to backfilling and after a copy of the survey certificate has been provided;
 - (d) the rough in of factory built chimneys and fireplaces and **wood burning appliances**;
 - (e) the framing and sheathing, prior to the installation of any insulation or exterior finish including sheathing membrane;
 - (f) the service plumbing from the **building** to the property line, or to any on-site water supply or sewage disposal system, after the required tests to sewage and water supply lines have been applied;
 - (g) the rough in of under slab drain, waste, vent and water supply plumbing, after the required tests have been applied and prior to the placement of concrete;
 - (h) the rough in of drain, waste, vent and water supply plumbing, after the required tests have been applied;
 - (i) the insulation, vapour barrier, and fan ductwork and insulation thereof, prior to the application of any interior finish and after the completion of the siding or other exterior finish acceptable to the **building official**; and
 - (j) when the **building** or **structure** is complete, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- (6) No aspect of the work referred in section 17(5) of this bylaw shall be concealed until a **building official** has accepted it in writing.
- (7) The requirements of section 17(5) of this bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance in respect of **field reviews** provided in accordance with this bylaw.

18. Occupancy Permits

- (1) No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form prescribed by a **building official** for that purpose.
- (2) An occupancy permit shall not been issued unless:
 - (a) all letters of assurance have been submitted when required by this bylaw and the **building official** is not aware, as a result of monitoring conducted in accordance with this bylaw, of any error or insufficiency in such letters of assurance;

- (b) in the case of a dwelling with an on-site sewage disposal system, evidence is provided to the **building official** that any post-construction filings required under the *Health Act* in relation to the on-site sewage disposal system have been made;
 - (c) all aspects of the work requiring inspection and acceptance pursuant to section 17(5) of this bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with section 17(7) of this bylaw;
 - (d) in the case of a building in Northeast Comox as designated in Comox Runoff Control Bylaw 1919, topsoil has been placed on the parcel in compliance with that bylaw and any required surveyor's site plan or engineer's certification of compliance has been provided to the Town; and (#1922 Oct 20/21)
 - (e) any certification of a Designated Environmental Monitor required by Comox Drainage Infrastructure Protection Bylaw 1824 has been provided to the Building Inspector. (#1922 Oct 20/21)
- (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. Building Permits

- (1) When:
- (a) a completed application including all required supporting documentation has been submitted;
 - (b) the proposed work set out in the application substantially conforms with the requirements of the **Building Code** in relation to the **health and safety aspects of the work**, and complies with this bylaw, and all other applicable bylaws of the Town, and any applicable Development Permit, Development Variance Permit, Temporary Use Permit, Heritage Alteration Permit, Board of Variance order and any covenant or statutory right of way granted to the Town under the *Land Title Act*; and (#1782 Jun 18/14) (#1903 Mar 20/19)
 - (c) the **owner** or his or her representative has paid all applicable fees prescribed by this bylaw;
- a **building official** shall issue the permit for which the application is made.
- (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:

- (a) the proposed **building** is covered by home warranty insurance, and
 - (b) the **constructor** is a licensed residential builder.
- (3) Section 19(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) or 30 (1) of the *Homeowner Protection Act*.
- (4) Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
- (a) the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit;
 - (b) work is discontinued for a period of 6 months; or
 - (c) the work authorized by the permit is not completed within 24 months of the permit issue date.
- (5) A building permit may be renewed once upon the condition that:
- (a) the **owner** pays the fee prescribed in Schedule 1 to this bylaw; and
 - (b) the renewed permit shall expire 6 months after the expiry date of the original permit.
- (6) Should a building permit not be renewable as set out in section 19(5), or a renewed permit expire prior to the completion of the work authorized by the permit, a new permit application will be required to complete the work.
- (7) 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 submitted, provided sufficient information has been provided 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** had not been issued.
- (8) A **building official** may by notification to the **owner** in writing, revoke a permit where:
- (a) any condition be found to exist which would have been cause for denial of such permit if known to exist at the time of issuance of the permit;

- (b) there is a violation of any condition under which the permit was issued; or
- (c) there is a violation of any provision of the **Building Code** or this bylaw.

20. Applications for Retaining Structures

- (1) An application for a building permit with respect to a retaining **structure** greater than 1.2 metres in height shall;
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) include a site plan showing the dimensions and location of the proposed retaining **structure** with respect to the property lines and the existing **buildings** on the site;
 - (c) include design drawings prepared and sealed by a **registered professional**; and
 - (d) include letters of assurance in the form of Schedule B as referred to in Division C Part 2.2.7 of the **Building Code**, signed by the **registered professional**. (#1903 Mar 20/19)

21. Applications for Building Code Exempt Accessory Buildings

- (1) An application for a building permit with respect to an accessory **building** less than 10 square metres in **building area** shall;
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) include a site plan showing the dimensions and location of the proposed **building** with respect to the property lines and the existing **buildings** on the site; and
 - (c) include an elevation sketch of the proposed building showing the roof lines and the overall height of the building.
- (2) Notwithstanding section 21(1), a building permit shall not be required for a chicken coop 5 square metres or less in building area.

22. Applications for Moving Buildings (#1730 Aug 15/12)

- (1) An application for a moving permit with respect to moving a **building** or **floating building** shall:
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;

- (b) except in the case of a **building** being relocated on its existing parcel, be accompanied by proof that the moving contractor carries at least \$1,000,000.00 liability insurance that names the Town of Comox as an additional party insured; and
 - (c) be accompanied by written approvals obtained from the Ministry of Transportation and any utility providers if the Ministry or the utility providers are affected by the move.
- (2) The requirements of this section are in addition to the building permit application requirements set out in section 8(2).

23. Disclaimer of Warranty or Representation

- (1) Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made or monitoring activities undertaken by a **building official**, shall constitute a representation or warranty that the **Building Code** or the bylaw have been complied with, that the **building** or **structure** meets any standard of materials or workmanship, or that any on-site water supply system is capable of supplying water of any particular quality or quantity, 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.

24. Professional Design and Field Review

- (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 one or more of the following;
- (a) design and plan certification,
 - (b) certification of construction or **field review**,
 - (c) letters of assurance in the form of Schedules B, C-A and C-B as referred to in Division C Part 2.2.7 of the **Building Code**, and (#1903 Mar 20/19)
 - (d) in relation to **building** envelopes, Forms V and VI to this Bylaw.
- (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 by this bylaw, the **owner** shall provide the Town of Comox with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C Part 2.2.7 of the **Building Code**, or in the form of Form IV to this bylaw in the case of **building** foundation field reviews and Form VI to this bylaw in the case of **building** envelope **field reviews**. (#1903 Mar 20/19)

- (3) When a **registered professional** provides letters of assurance in accordance with this bylaw, he or she shall also provide proof of professional liability insurance in the form attached as Form VII, and where the scope of the letters of assurance pertains to **building** foundation or **building** envelope matters the insurance coverage shall contain no limitation or exclusion in relation to such matters.
- (4) When an applicant proposes to move a **building** including a **floating building** into the Town, move a **building** from one parcel of land to another within the Town, or relocate a **building** on the same parcel within the Town, the **building official** may require that a **registered professional** certify that the **building** meets or exceeds the requirements of the **Building Code** for the proposed class of **occupancy** of the **building** as of the time the **building** was constructed; that the **building** requires the modifications and alterations specified in the certification in order to be safely occupied in cases where the **building** does not comply with the current edition of the **Building Code**, and that the new **building** foundation and attachment of the **building** to its new foundation will comply with the structural requirements of the current **Building Code** for the proposed **occupancy** of the **building**, and to provide letters of assurance as referred to in section 24(1)(c). (#1730 Aug 15/12) (#1903 Mar 20/19)

25. Responsibilities of the Owner

- (1) Every **owner** shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable enactments respecting health and safety.
- (2) Every **owner** to whom a permit is issued shall submit to the **building official** a survey certificate prepared by a British Columbia Land Surveyor, showing information required by section 9(1)(d) or 10(1)(d) as the case may be, after the **building** foundations have been placed but prior to the drain tile inspection and the commencement of framing.
- (3) Every **owner** to whom a permit is issued shall, during construction:
 - (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (b) keep on the property a copy of the designs, plans and specifications in relation to which the building permit was issued;
 - (c) ensure that the underside of the lowest floor system or basement slab is constructed at or above any minimum floor elevation on record as having been recommended by the design engineer for the subdivision in which the **building** is located, in relation to the provision of storm drainage;
 - (d) where there is no minimum floor elevation on record, ensure that the underside of the lowest floor system or basement slab is constructed at or

above an elevation of 0.75 metres above the invert of the storm sewer service connection at the property line, or at an elevation recommended in writing by a **registered professional** as enabling the **building** to be connected to the storm sewer system by gravity connection;

- (e) notwithstanding clauses 24(3)(c) and 24(3)(d), ensure the provision to the building official of a design by a registered professional for a building or portion thereof used for the parking of motor vehicles or bicycles, for change rooms, or for housing electrical or mechanical systems that are not critical to building code required safety systems but not including electrical rooms, to be connected to the storm water disposal system by a non-gravity system where a connection to a gravity system is not possible; (#1672 Oct 6/10)
- (f) post the civic address on the property in a location visible from an adjoining street; and
- (g) ensure that the lot is graded prior to the final inspection so as to provide positive drainage of storm water from the **building**.

26. Flood and Erosion Protection

- (1) If landfill is used to raise the natural ground elevation in order to elevate the floor system of a **building** or **structure** for protection from flood damage, the face of the landfill slope shall be constructed so as to resist erosion by floodwaters, wave action, ice or other flood debris.

27. Private Swimming Pools and Fencing

- (1) Every **private swimming pool** shall be provided with a sturdy, non-climbable barrier not less than 1.5 meters in height and no openings greater than 10 centimeters in their least dimension, enclosing the **private swimming pool** itself or an area, including the **private swimming pool**, of the parcel on which it is situated.
- (2) Where only the **private swimming pool** itself is enclosed, the enclosure shall be such that the **private swimming pool** is open to full view through the enclosure.
- (3) Every gate in a enclosure which provides access to a **private swimming pool** shall be kept in a lock-closed position when not in use, be equipped with a self closing device, be openable from the **private swimming pool** side only, and only be opened for the purpose of access to or egress from the **private swimming pool**.
- (4) Every enclosure, including the gates, enclosing a **private swimming pool** shall be maintained by the **owner** in good order and safely perform its intended function.

28. Wood Burning Appliances

- (1) Section 28(2) shall only apply to **wood burning appliances** installed in new construction for which a building permit is issued under this bylaw.
- (2) Every **wood burning appliance** must display a permanent label indicating that it has been tested to and meets the **EPA standards** for clean burning.
- (3) No person shall design or construct a building or building addition whose heating system or service water heating system relies in whole or in part on the use of a **wood burning appliance**, install a **wood burning appliance** in a new building or building addition, or install a **wood burning appliance** in any other building. (#1903 Mar 20/19)
- (4) Despite Section 28(3), a **wood burning appliance** may be installed in a building that existed on April 30, 2019 in replacement for an existing **wood burning appliance**, provided that the replacement appliance has a higher fuel efficiency rating than the existing appliance, and for the purpose of comparing fuel efficiency ratings the **owner** shall, after replacement, retain the existing appliance on the premises until the **building official** has authorized its removal. (#1903 Mar 20/19)

29. Notice to Alter Building

- (1) The **building official** may direct and require that any **building** or portion thereof be vacated, or the **occupancy** prohibited, until altered to comply with the requirements of this bylaw, the **Building Code** or other applicable enactments respecting health or safety by posting a written Do Not Occupy notice upon the **building** whenever it be found by the **building official** that either of the following conditions exist:
 - (a) the **building** has been erected, altered or repaired contrary to the provisions of the **Building Code**, this bylaw, a permit issued pursuant to this bylaw, or another applicable enactments respecting health or safety; or
 - (b) the **building** is unsafe to human life or property from any cause, or in imminent danger of so becoming.
- (2) Such **building** shall not be occupied until a building permit has been issued and all required alteration work has been performed and approved by the **building official**.

30. Penalties and Enforcement

- (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 or to imprisonment for not more than six months.
- (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.
- (3) A **building official** may order the cessation 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 for that purpose by a **building official**.
- (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**.
- (5) Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6(2) of this bylaw, a **building official** may post a Do Not Occupy notice in the form prescribed for that purpose by a **building official**, on the affected part of the **building** or **structure**. (#1730 Aug 15/12)
- (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 Do Not Occupy notice has been rescinded in writing by a **building official**.
- (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.
- (8) The **Building Official**, Bylaw Enforcement Officer, Municipal Planner and Corporate Officer may lay an information by means of a ticket pursuant to section 264(2) of the *Community Charter*. (#1730 Aug 15/12)
- (9) Authorization is hereby delegated to the **Building Official**, Bylaw Enforcement Officer, Municipal Planner, and Corporate Officer to refer tickets issued pursuant to section 264(2) to the Provincial Court for hearing pursuant to section 269(1) of the *Community Charter*. (#1730 Aug 15/12)
- (10) The words or expressions set forth in Column 1 of Schedule 2 of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate

the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions. (#1730 Aug 15/12)

- (11) The amounts appearing in Column 3 of Schedule 2 of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1. (#1730 Aug 15/12)

31. Severability

- (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.

32. Forms and Schedules

- (1) Forms I through VII and Schedules 1, 2 and 3 form a part of this Bylaw.

33. Repeal

- (1) Comox Building Bylaw, 2000 is repealed.

34. Adoption

- (1) READ A FIRST AND SECOND time this 15th day of June , 2005
(2) READ A THIRD time this 6th day of July , 2005
(3) ADOPTED this 5th day of July , 2006

“Dr. Jim Brass”

MAYOR

“Richard Kanigan”

CORPORATE OFFICER

FORM I

Owner's Authorization of Agent

The undersigned registered owner of land in the Town of Comox legally described as

_____ and having a civic address of _____

hereby authorizes _____ to:

1. apply for and obtain as my agent a building permit in respect of the land from the Town of Comox under the provisions of Building Bylaw 1472;
2. provide to the Town as my agent all information and documents required by the bylaw for such an application;
3. execute and deliver to the Town, as my agent, a document in the form set out below when obtaining the permit.

Name of Registered Owner (please print)

*Signature of Registered Owner or
Authorized Signatory of Corporate Owner*

Date of Authorization

Acknowledgements of Owner or Owner's Agent

I acknowledge that the owner of the land in respect of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.

I acknowledge that the owner is solely responsible for determining whether the work authorized by this permit contravenes any easement, right of way, or covenant charging the land, or requires the involvement of an architect under the *Architect's Act* or an engineer under the *Engineers and Geoscientists Act*.

I acknowledge that the Town provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting health and safety.

If the Town has so indicated on this permit, I acknowledge that the Town has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Town, by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

If I am executing this acknowledgement as the agent of the owner, I represent to the Town that:

- I am authorized by the owner to receive this permit and make these acknowledgements on the owner's behalf; and
- The owner is aware that the owner is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.

FORM II

Acknowledgements of Owner or Owner's Agent

NOTE: An agent may not apply for or obtain a building permit on behalf of an owner without having provided a written authorization by the owner, in the form provided by the Town for that purpose.

I acknowledge that the owner of the land in respect of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.

I acknowledge that the owner is solely responsible for determining whether the work authorized by this permit contravenes any easement, right of way, or covenant charging the land, or requires the involvement of an architect under the *Architect's Act* or an engineer under the *Engineers and Geoscientists Act*.

I acknowledge that the Town provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting health and safety.

If the Town so indicates in issuing a building permit, I acknowledge that the Town has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Town, by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

If I am executing this acknowledgement as the agent of the owner, I represent to the Town that:

- I am authorized by the owner to receive this permit and make these acknowledgements on the owner's behalf; and
- The owner is aware that the owner is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.

Name of Registered Owner or Agent (please print)

Signature of Registered Owner or Agent or
Authorized Signatory of Corporate Owner

Date of Acknowledgement

FORM III

Standard Building Foundation Professional Design Review and Field Review

- Note: 1) In this letter the words in italics have the same meaning as in the B.C. Building Code.
2) This letter must be submitted prior to the issuance of a building permit.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox , B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that he/she has completed the design review of the building foundation components of the plans and supporting documents prepared by:

in support of the application for the *building* permit, and that the building foundation components of such plans and documents substantially comply with the applicable requirements of the B.C. Building Code.

The undersigned hereby undertakes to be responsible for the *field reviews* of the building foundation components during construction and to prepare and distribute written field reports of such reviews to the *building official*.

The undersigned hereby undertakes to notify the *building official* in writing as soon as possible if the undersigned's contract for *field review* is terminated at any time during construction.

The undersigned confirms that their professional liability, errors and omissions insurance policy covers them for building foundation claims and proof of such coverage has been sent with this letter.

Name (Print)

Date

Signature

(Affix PROFESSIONAL SEAL here)

Name of firm if applicable

Address (Print)

Phone

FORM IV

Standard Building Foundation Professional Field Review and Compliance

- Note: 1) In this letter the words in *italics* have the same meaning as in the B.C. Building Code.
2) This letter must be submitted after completion of the project but before the final inspection is made by the *building official*.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox , B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that:

1. he/she has fulfilled their obligations for *field reviews* as outlined in the previously submitted Town of Comox Form III, "Standard Building Foundation Professional Design Review and Field Review";
2. the building foundation components of the project substantially comply in all material respects with the applicable requirements of the B.C. Building Code , and the plans and documents submitted in support of the application for building permit; and
3. he/she has submitted any final design plans and supporting documents prepared by him/her for this project, to the *building official*.

Name (Print)

Date

Signature

Name of firm if applicable

(Affix PROFESSIONAL SEAL here)

Address (Print)

Phone

FORM V
Building Envelope Professional Design Review
and Building Envelope Field Review

Note: 1) In this letter the words in italics have the same meaning as in the B.C. Building Code.
2) This letter must be submitted prior to the issuance of a building permit.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox , B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that he/she has completed the design review of the *building* envelope components of the plans and supporting documents prepared by:

(Print name of *registered professional* who signed for the “Architectural” components of the
B.C. Building Code Schedules B)

in support of the application for the *building* permit, and that the *building* envelope components of such plans and documents substantially comply with the applicable requirements of the B.C. Building Code.

The undersigned hereby undertakes to be responsible for the *field reviews* of the *building* envelope components during construction and to prepare and distribute written field reports of such reviews to the above referenced *registered professional* who signed for the “Architectural” components of the B.C. Building Code Schedules B.

The undersigned hereby undertakes to notify the *building official* in writing as soon as possible if the undersigned’s contract for *field review* is terminated at any time during construction.

The undersigned confirms that their professional liability, errors and omissions insurance policy covers them for water penetration claims and proof of such coverage has been sent with this letter.

Name (Print)

Date

Signature

(Affix PROFESSIONAL SEAL here)

Name of firm if applicable

Address (Print)

Phone

FORM VI
Building Envelope Professional
Field Review and Compliance

- Note: 1) In this letter the words in italics have the same meaning as in the B.C. Building Code.
2) This letter must be submitted after completion of the project but before the final inspection is made by the *building official*.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox , B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that:

1. he/she has fulfilled their obligations for *field reviews* as outlined in the previously submitted Town of Comox Form V, "Building Envelope Professional Design Review and Building Envelope Field Review";
2. the *building* envelope components of the project substantially comply in all material respects with the applicable requirements of the B.C. Building Code , and the plans and documents submitted in support of the application for building permit; and
3. he/she has submitted any final design plans and supporting documents prepared by him/her for this project, to the *registered professional* who signed for the "Architectural" components of the B.C. Building Code Schedule B, for submission to the Town of Comox.

Name (Print)

Date

Signature

Name of firm if applicable

(Affix PROFESSIONAL SEAL here)

Address (Print)

Phone

FORM VII

Proof of Registered Professional's Insurance Coverage

(This document requires the attachment of a current certificate of insurance coverage and may not be altered in any way)

Town of Comox
1809 Beaufort Avenue
Comox, British Columbia
V9M 1R9

Attention: Chief Building Official

Re: Address of Project _____

Legal Description of Project _____

The undersigned hereby gives assurance that:

1. I have fulfilled my obligation to obtain a current policy of professional liability or errors and omissions insurance as specified in section 24.3 of Building Bylaw 1472.
2. I have enclosed a copy of my certificate of insurance indicating the particulars of such coverage.
3. I am a registered professional as defined by the British Columbia Building Code.
4. I will notify the Chief Building Official immediately if this insurance coverage is reduced or terminated at any time during construction.
5. If the scope of my certifications under the Building Code or the Building Bylaw extends to building foundation or building envelope matters, my insurance policy contains no exclusions or limitations in relation to such matters.

Signature

Print Name: _____

Name of Firm: _____

Date: _____

Attachment: Certificate of Insurance

FORM IX (#1903 Mar 20/19)

OWNER’S DECLARATION OF COACH HOUSE

BUILDING PERMIT NUMBER: _____

DATE: _____

Please Print

I/We, _____ being the registered
NAME OF REGISTERED PROPERTY OWNER(S)

Property Owner and residing at _____, have a coach house
PROPERTY ADDRESS

located _____, and hereby declare:
LOCATION OF COACH HOUSE ON THE PROPERTY

1. That I understand that the coach house can be located on the property as stated above, and be occupied and used as a coach house only in accordance with the following provisions of Comox Zoning Bylaw 1850:
 - A. Section 3.2 Definitions:

“Coach House: a building consisting of one dwelling unit or one modular unit.
Coach houses shall:
(1) Only be permitted on a parcel on which a single family dwelling exists;
(2) Only be permitted on a parcel where either the single family dwelling or the coach house is owner occupied;
(3) Be located only in a rear yard; and
(4) Be limited to one (1) per parcel.”
 - B. Section 6 Off-Street Parking and Loading:

Two individually accessible off-street parking spaces to the maximum aggregate width of 6.20 metres must be provided.
2. That I understand that the registered owner(s) of the property must occupy either the primary dwelling unit, or the coach house, as their permanent residence.
3. That I understand that the coach house must be constructed in accordance with the requirements of the British Columbia Building Code.
4. That I understand that no person may occupy a coach house and no person shall permit or suffer a coach house to be occupied, unless an occupancy permit has been issued under Comox Building Bylaw 1472.

Signature of owner(s)

{ DECLARED BEFORE ME in _____
{ _____ (municipality)
{ in the Province of British Columbia, on
{ _____ (date),

Address of Owner(s)

{ _____ (signature)
{ a commissioner for taking affidavits for British
{ Columbia / a Notary Public in and for the
{ Province of British Columbia.

SCHEDULE 1

Scale of Fees

A. Building, Moving, Demolition, Private Swimming Pool, Wood Burning Appliance Permit Fees

1. Application Fee

(a)	accessory buildings < 10m ² and private swimming pools	\$ 35.00
(b)	construction value < \$25,000, excluding accessory buildings < 10m ² and private swimming pools	\$ 50.00
(c)	construction value > \$25,000	\$150.00

2. Permit Fee

(a)	permit fee for accessory buildings <10 m ²	\$35.00
(b)	except for accessory buildings < 10m ² and private swimming pools the fee is	
	i) a minimum of	\$75.00
	ii) for each \$1,000 of value of construction, or fraction thereof, up to \$100,000	\$7.50
	iii) for each additional \$1,000 of value of construction, or fraction thereof, over \$100,000	\$5.50
(c)	In the case of a factory built building certified by Canadian Standards Association the fee shall be 50% of that specified in A.2(b). (#1786 Jun 18/14)	
(d)	In the case of buildings located within the area shown shaded in Schedule 3 of this Bylaw, excluding alteration, reconstruction, demolition, removal, relocation or change of occupancy:	
	i) 50% of that specified in Section A.2(b) for buildings of 4 stories or more;	
	ii) 80% of that specified in Section A.2(b) for buildings of 3 storeys. (#1786 Jun 18/14) (#1952 Jun 17/20)	

3. Change of owner with respect to an existing permit \$75.00

4. Renewal of permit

(a)	where the value of the remaining construction is \$50,000.00 or less	\$50.00
(b)	for each subsequent \$1,000.00 of value or fraction thereof over \$50,000.00	\$2.00

5. For the third or subsequent inspection of the same
required stage of work \$50.00

SCHEDULE 1 - Continued

Scale of Fees

- | | | |
|----|---|----------|
| 6. | Fee for required resubmissions based on monitoring of complex building permit applications, | |
| | (a) second resubmission | \$100.00 |
| | (b) third and subsequent resubmissions | \$250.00 |

B. Plumbing Permit Fees

- | | | |
|----|--|---------|
| 1. | plumbing system | |
| | (a) fee for first plumbing fixture | \$50.00 |
| | (b) fee for each additional plumbing fixture | \$6.00 |
| 2. | irrigation backflow device | \$35.00 |
| 3. | fire sprinkler system | |
| | (a) first head | \$50.00 |
| | (b) each additional head | \$0.75 |

C. Miscellaneous Fees

- | | | |
|----|--|----------|
| 1. | provision of a letter advising of the status of a property and the improvement thereon | \$100.00 |
| 2. | voluntary inspection | \$50.00 |
| 3. | site disclosure form review | \$100.00 |

SCHEDULE 2 (#1730 Aug 15/12)

Municipal Ticket Information Designations

<u>Column 1</u> <u>Offence</u>	<u>Column 2</u> <u>Bylaw Section #</u>	<u>Column 3</u> <u>Fine</u>
Failure to obtain permit	6(1)	\$500.00
Unlawful Occupancy	6(2)	\$1000.00
Providing false information	6(3)	\$200.00
Tampering with notice	6(4)	\$200.00
Work at variance with permit	6(5)	\$200.00
Obstruction of building official	6(6)	\$500.00
Fail to comply with Stop Work Order (#1962 Nov 4/20)	30(4)	\$300.00

SCHEDULE 3 (#1786 Aug 18/14)

