

TOWN OF CRESTON
BUILDING BYLAW NO. 1394

**Consolidated to
October 12, 2021**

A bylaw to provide for the administration and enforcement of the Building Code and to regulate the construction, alteration moving and occupancy of buildings in the Town of Creston.

WHEREAS the Local Government Act and the regulations issued thereunder, provide that the British Columbia Building Code as established and adopted for the Province shall apply to all municipalities and shall have the same force and effect as a validly enacted bylaw of the municipality;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Section 1.0 **CITATION**

1.1 This Bylaw may be cited for all purposes as the "Building Bylaw Number 1394, 1997".

1.2 Division of Bylaw:

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BL#1940

BL#1812

BL#1764

1.3 The Bylaw is divided into 21 Sections and decimal numbering system has been used to identify particular requirements. The first number indicates the Section of the Bylaw, the second, the Subsection in the Section, the third, the Article in the Subsection, the fourth, the Sentence in the Article as follows:

- 2.0 Section
- 2.2 Subsection
- 2.2.3 Article
- 2.2.3.(a) Sentence

Section 2.0 DEFINITIONS

- 2.1 In this Bylaw unless the context otherwise requires, the words defined herein shall have the meanings ascribed to them in this Section, and if the same words are also defined in the Building Code, then such words shall also in addition have the meaning ascribed to them in the Building Code.
- 2.2 "Authority having Jurisdiction" means the Building Inspector and the Town Council thereof having authority over the subject that is regulated as the context requires.
- 2.3 "Agent" includes a person, firm or corporation representing the Owner, by designation or contract and, inter alia, includes hired tradesman and contractor who may be granted permits for work within the limitations of his licence.
- 2.4 "Building" means structures of every kind or construction for any use or occupancy and includes excavations in respect for any structure and everything so attached to a structure as to constitute it real property.
- 2.5 "Building Code" means current issue of the British Columbia Building Code.
- 2.6 "Building Inspector" means the person or persons appointed from time to time by the Council as the Building Inspector and includes any other persons employed as Building Inspectors of the Town of Creston.
- 2.7 "Construct" includes to reconstruct, erect, repair, alter, add, demolish, remove, excavate, shore up.
- 2.8 "Construction" includes reconstruction, erection, alteration, enlargement, addition, demolition, removal, and excavation.
- 2.9 "Council" means the governing and executive body of the Town of Creston.
- 2.10 "Fee" and "Fees" means the fees and charges prescribed by the *Fees and Charges Bylaw*.
BL#1764
- 2.11 "Fees and Charges Bylaw" means the Fees and Charges Bylaw in force from time to time and adopted by the *Council* under section 194 of the *Community Charter* or similar successor legislation.
BL#1764
- 2.10 "Final Inspection" means the last official examination of a structure or construction which would complete or bring to an end all required inspections as set forth in this bylaw.
- 2.11 "Owner" in respect of real property means the owner as defined in the Local Government Act.
- 2.12 "Person" means and includes any corporation, partnership, association, society or natural person.
- 2.13 "Real Property" means land and land together with all improvements which have been affixed to the land as to make them a part thereof.
- 2.14 "Shipping Container" means a prefabricated container normally designed, constructed and used for the transportation of goods by rail, ship, or truck, whether or not it is used for this purpose.
BL#1812
- 2.15 "Town" means the Town of Creston.

Section 3.0 CONFLICT

- 3.1 In the case of any conflict between the provisions of this Bylaw and any Documents, Regulations or Statutes referred to herein, the Document, Regulation, Statute or Bylaw containing the most restrictive provision shall prevail.

Section 4.0 APPLICATION

- 4.1 This Bylaw shall have application to and be in force within the boundaries of the Town of Creston.
- 4.2 This bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with the following: *This bylaw is enacted and retained for the purpose of regulating construction within the Town in the general public interest. The activities undertaken by or on behalf of the Town, pursuant to this bylaw, are for the sole purpose of providing a limited and interim spot checking function for reasons of public health and safety. It is not contemplated nor intended, nor does the purpose of this bylaw extend to: (i) the protection of owners, owner/builders or builders from economic loss; (ii) the assumption by the Town of any responsibility for ensuring the compliance by any owner, his representatives or any employees, contractors or design professionals retained by him, with the current edition of the Building Code, the requirements of this bylaw or any other applicable codes or standards; (iii) providing to any person a warranty of design or workmanship with respect to any building or structure for which a building permit is issued under this bylaw; and (iv) providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Town is free from latent, or any defects;*
- BL#1535**

Section 5.0 PROHIBITION

- 5.1 No person shall construct, or move any building unless he has first obtained a permit for that purpose from the Building Inspector.
- 5.2 No person shall occupy or use any building or part thereof after construction, wrecking, alteration, moving or change of use of that building or part thereof without first obtaining an inspection for that purpose pursuant to the provisions of this bylaw. For the purposes of this section, a change of use from one division to another division within the same group, under Part 3 or Part 9 of the Building Code shall be deemed to be a change in class of occupancy.
- 5.3 No person shall install, alter or remodel plumbing services regulated by this bylaw unless the owner of the property, or his agent, has first obtained a plumbing permit for the purpose pursuant to the provision of this bylaw and such permit is validly in existence at the time of such construction.
- 5.4 No person shall unless authorized by the Building Inspector alter, deface, cover, remove or in any way tamper with any Notice or Certificate posted pursuant to the provisions of this Bylaw.
- 5.5 No person shall do any work that is a Variance with the description, plans and specifications for the building, structure, work or thing for which a permit has been issued, unless such change has first been approved in writing by the Building Inspector.
- 5.6 No person shall interfere with or obstruct the entry of the Building Inspector while he is acting in the scope of his duties and responsibilities for the Administration and enforcement of this Bylaw.
- 5.7 No permit shall be issued for an alteration, addition or repair to a building which is deficient in means of egress, provisions of air, light and ventilation or which is structurally defective, unless the application for the permit includes details of how such deficiencies are to be corrected.

- 5.8 No person shall continue to do any work upon a building or any portion thereof after the Building Inspector has ordered cessation of work thereon or has ordered the suspension of any portion of construction thereof.
- 5.9 The provisions of this Bylaw shall be subject to the provisions of any Zoning Bylaw of the Town.

Section 6.0 FUNCTION OF BUILDING INSPECTOR

- 6.1 The Building Inspector is authorized to:
 - 6.1.1 Administer this Bylaw
 - 6.1.2 Keep records of any applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and Documents connected with the Administration of this Bylaw for a period of not less than 10 years;
 - 6.1.3 Take such action as he may deem necessary in order to establish whether any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of the Building Code.
 - 6.1.4 Ensure that employees or persons charged with the Administration and enforcement of this Bylaw carry proper credentials.

Section 7.0 AUTHORITY OF THE BUILDING INSPECTOR

- 7.1 The Building Inspector:
 - 7.1.1 Is hereby authorized to enter, at all reasonable times, upon any property subject to the regulations of this Bylaw and the Local Government Act, in order to ascertain whether such regulations are being complied with.
 - 7.1.2 Where any dwelling, apartment or guestroom is occupied, shall obtain the consent of the occupant or provide written notice twenty-four hours in advance of such entry.
 - 7.1.3 Is authorized to order:
 - (a) the correction of any construction which is being or has been done contrary to the provisions of any permit, this bylaw or the Building Code within time period specified in the order; or
 - (b) the removal of any building or part thereof constructed in contravention of applicable Town of Creston Zoning Bylaw, this bylaw or the Building Code; or
 - (c) the cessation of any occupancy in contravention of a Town of Creston bylaw where applicable.
 - 7.1.4 May order work to be immediately stopped on all or any portion of construction where:
 - (a) There is a violation of any condition under which the permit has been issued; or
 - (b) The building under construction is, in the opinion of the Building Inspector, in an unsafe condition; or
 - (c) The building is being constructed without a permit having been issued pursuant to this Bylaw; or

- (d) There is a violation of any provisions of this Bylaw, the Building Code or the Zoning Bylaw;
or
- (e) The permit was issued in error; or
- (f) The permit was issued on the basis of incorrect or misleading information.

7.1.5 Shall, when he determines to order work to be stopped pursuant to Section 7.1.4, attach a Notice in the form of a STOP WORK ORDER to the building under construction. In addition the Building Inspector shall send by Registered Mail to the Owner of the Real Property upon which the building under construction stands, at the address of such Owner as it appears on the records of the Town, a Notice setting forth the fact that work has been stopped and his reasons for having ordered such stoppage of work.

7.1.6 May direct that tests of materials, devices, construction methods, structural assemblies, or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the Owner, where such evidence or proof is necessary to determine whether they meet the requirements of the Building Code. To the extent that is possible, all tests required by the Building Inspector shall be carried out in accordance with recognized standard test methods. In the absence of such standard test methods the authority having jurisdiction may specify the test procedure to be followed. A copy of the results of all such tests shall be retained by the Building Inspector after construction is complete, and shall form part of the Public Records.

7.1.7 May cancel or refuse to issue a Permit where in his opinion the results of the tests referred to in subsection 7.1.6 are not satisfactory.

7.1.8 May require the Owner to supply a Certificate prepared by a British Columbia Land Surveyor showing the location of the foundation of a building or the proposed location of the foundation of a building to be constructed, when, in his opinion such a Certificate is necessary to determine compliance of such building with the Building Code or other Bylaw of the Town.

7.1.9 May issue a permit at the risk of the owner for the construction of a phase of a building before the entire plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Bylaw. The issuance of the permit notwithstanding, the requirements of this Bylaw or the Building Code apply to the remainder of the building, as if the permit had not been issued.

7.1.10 Is authorised to refuse to issue any permit:

- (a) whenever information submitted is inadequate to determine compliance with the provisions of this bylaw and the Building Code;
- (b) whenever incorrect or misleading information is submitted;
- (c) where the owner of the property refuses to sign the "Notice of Disclaimer" as required under Section 9.4. of this bylaw.
- (d) which would contravene the provisions of permits issued pursuant to Sections 922 and 920 of the Local Government Act.
- (e) where the issuance of a permit would contravene the provisions of any Town of Creston Bylaw, Provincial or Federal statute, Act or Regulation. **BL#1673**

7.1.11 May require additional inspection beyond those required by Section 12.1.4.

- 7.2 When a building inspector requires professional plan certification and field review, the owner shall, prior to the issuance of a building permit, submit Letters of Assurance to the building inspector in the form of;
- 7.2.1 "Schedule A", forming part of Sentence 2.2.7.2.(1), Division C of the British Columbia Building Code, "Confirmation of Commitment by Owner and Coordinating Registered Professional". **BL#1657**
- 7.2.2 "Schedule B-1 & B-2", forming part of Subsection 2.2.7, Division C of the British Columbia Building Code, "Assurance of Professional Design and Commitment for Field Review" & "Summary of Design and Field Review Requirements". **BL#1657**
- 7.2.3 After completion, but prior to occupancy of a building that is subject to professional review, the Owner shall submit Letters of Assurance in the form of "Schedule C-A & C-B", forming part of Subsection 2.2.7, Division C of the British Columbia Building Code, "Assurance of Coordination of Professional Field Review" & "Assurance of Professional Field Review and Compliance". **BL#1657**

Section 8.0 TEMPORARY PERMITS

- 8.1 Subject to any other Bylaw, the Building Inspector may issue a permit for the erection or placement of a building for a temporary period if he is satisfied that the building, structure or shelter is safe for the stated use and duration.
- 8.2 Where a building permit has been issued for a building, the Owner may apply for a permit to occupy the building or part thereof for a temporary period prior to completion of construction, which permit may be withheld until the building or part thereof complies with the health and safety requirements of the Bylaws of the Town, of the Building Code or of any Statute.
- 8.3 The term "temporary period" as used in this subsection shall mean, a period not exceeding twenty-four months;

Section 9.0 PERMITS

- 9.1 Where an application has been made in the form and manner prescribed in this Bylaw; and
- 9.1.1 The proposed work set out in the application conforms with this Bylaw and all other Bylaws, rules and regulations of the Town and all applicable Statutes of the Province of British Columbia and the Government of Canada, and
- 9.1.2 The applicant for such permit has paid the fees, the Building Inspector is authorized to issue the permit for which the application is made. **BL#1764**
- 9.2 *DELETED* **BL#1773**
- 9.3 Whenever, in the opinion of the Building Inspector, the site condition, size, complexity or necessary technical knowledge in respect to the project so warrants, require that all plans and specifications of the building or any part thereof be certified, and the construction or alteration of any building or part thereof be generally reviewed during construction by an architect or professional engineer registered to practice in British Columbia.
- 9.4 A "Notice of Disclaimer" shall form part of Schedule "B" to this bylaw and shall be signed by the owner(s) as a condition of the issuance of a Building Permit.
- 9.5 Where the Town issues a building permit for a development that does not comply with the Building Code or another enactment respecting safety, the Town shall not be held liable, directly or vicariously, for any damage, loss or expense caused or contributed to by an error, omission or other neglect in relation to its approval of the plans submitted with the application for the building permit if

- (a) a person representing himself or herself as a professional engineer or architect registered as such under Provincial legislation certified, as or on behalf of the applicant for the permit, that the plans or the aspects of the plans to which the non-compliance relates complied with the then current building code or applicable enactment to which the non-compliance relates and,
- (b) the Town, in issuing the building permit, indicated in writing to the applicant for the permit that it relied on the certification referred to in paragraph (a).

9.6 Where a coordinating registered professional is retained by the owner and an undertaking is provided by the submission of professional certifications pursuant to the "Building Code", the building permit fees will be reduced by 10% to a maximum of \$300.00 for any project to reflect the cost of plan checking work that would otherwise be done by the Building Inspector.

Section 10 CONTENTS OF APPLICATION FOR PERMIT

- 10.1 The application for the permit shall be made in the form set forth in Schedule "B" to this bylaw and shall:
 - 10.1.1 Be signed by the Owner or his agent; and
 - 10.1.2 State the intended use or uses of the building; and
 - 10.1.3 State the estimated value of the proposed work; and
 - 10.1.4 Include as exhibits copies in duplicate of the specifications and scale drawings of the building and land with respect to which the work is to be carried out showing:
 - (a) The dimensions of the building;
 - (b) The proposed use of each room or floor area;
 - (c) The dimensions of the land on which the building is, or is to be, situated;
 - (d) The grades and elevations of the streets and sewers abutting the land referred to in clause (c) when required by the authority having jurisdiction;
 - (e) The position, height and horizontal dimensions of all buildings on the land referred to in clause (c);
 - (f) A survey of the building site by a registered B.C. Land Surveyor, when required by the Building Inspector;
 - (g) The technical information specified in other parts of this Bylaw and the Building Code required to be included on the drawings relating to those parts;
 - (h) Such other information as is necessary to illustrate all essential features of the design of the building;
 - 10.1.5 Where applicable, a copy of a current access permit issued by the Department of Highways or Council, to permit the construction of a road access onto the construction site.
 - 10.1.6 Where applicable, shall be accompanied by copies of any approvals, certificates or consents of the appropriate approving officer or approving authority which may be required or called for under the "Strata Titles Act".

- 10.1.7 When required by the Building Inspector the application shall also be accompanied by:
- (a) A Plan that shows the location and size of every building drain and of every trap or inspection piece that is on a building drain; and
 - (b) A sectional drawing that shows the size and location of every soil-or-waste pipe, trap and vent pipe. The plans and specifications shall be submitted in the form and quantities required by the Authority having jurisdiction and shall have thereon complete design criteria and calculations, so that the authority having jurisdiction shall have this information available for examination. The drawing shall bear the name and address of the designer.
- 10.1.8 Also contain any and all other information necessary in the opinion of the Building Inspector to establish compliance with this Bylaw or the Building Code.

Section 11.0 CONDITIONS OF PERMIT

- 11.1 Every permit is issued upon the following conditions:
- 11.1.1 That construction shall be started within six months from the date of issuing the permit.
 - 11.1.2 That the work shall not be discontinued or suspended for a period of more than one year.
 - 11.1.3 The permit shall be cancelled if the condition described in 11.1.1 is not met. **BL#1535**
 - 11.1.4 The Permit shall lapse if the condition described in 11.1.2 is not met. **BL#1535**
 - 11.1.5 That all permits shall lapse twenty-four months from the date of issue.
- 11.2 The approval of the application, the furnishing of drawings and specifications, and the issuance of a permit shall not prevent the Building Inspector from thereafter requiring the correction of errors in the said application, drawings, or specifications, or from ordering the stoppage of work when in violation of this Bylaw or the Building Code.

Section 12.0 DUTIES OF THE OWNER

- 12.1 Every owner of property shall:
- 12.1.1 Permit the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw.
 - 12.1.2 Obtain where applicable from the Town, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, blasting, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of such work.
 - 12.1.3 When required by the Building Inspector, give at least 48 hours notice to the Building Inspector of the intention to start work on the building site.
 - 12.1.4 Give at least 24 hours notice exclusive of Saturdays, Sundays and Statutory Holidays to the Building Inspector and obtain his inspection and approval at the following stages of construction:
 - (a) Siting and Footings:
When the forms for footings are complete, but prior to pouring of any concrete for the footings.

- (b) Dampproofing and Subsurface Drainage:
After dampproofing has been applied, installation of perimeter drainage pipe and drain rock, but prior to backfilling.
 - (c) Plumbing: Before any part of a plumbing system, including service connections, is covered.
 - (d) Framing:
When framing and sheathing of the building are complete, including ductwork, plumbing and wiring, but before any insulation or other interior or exterior finish is applied which could conceal such work.
 - (e) Insulation:
After all insulation and vapour barriers are installed but prior to covering of same.

Air Barrier & Flashing:
After installation of exterior air barrier and required flashings but prior to installation of exterior cladding. **BL#1673**
 - (f) Final:
When the building or portion is completed and ready for occupancy but prior to occupancy.
 - (g) When otherwise required by this bylaw.
- 12.1.5 Obtain an inspection from the Building Inspector prior to:
- (a) occupancy of a building or part thereof after construction or
 - (b) change in use of a building or part thereof, or
 - (c) occupancy of each portion of a building where such building is to be occupied in stages.
- 12.1.6 Obtain from the Building Inspector written permission prior to resuming construction which has been stopped on any building.
- 12.1.7 Where tests of any materials are made to ensure conformity with the requirements of this Bylaw, transmit to the Building Inspector records of the test results.
- 12.1.8 Where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the Building Inspector may require to show that the proposed sewers will be laid at such depth, and in such a position as to connect the property with the building or storm sewer extension.
- 12.1.9 Where applicable, obtain a permit from the Department of Highways or Council to permit the construction of a road access onto the construction site.
- 12.1.10 Where applicable, obtain from the appropriate approving officer or approving authority any approvals, certificates or consents required or called for under the "Strata Titles Act".

Section 13.0 RESPONSIBILITY OF THE OWNER

- 13.1 Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made by the authority having jurisdiction shall in any way relieve the Owner of such building from full responsibility from carrying out the work or having the work carried out in accordance with the requirements of this Bylaw or the Building Code.

- 13.2 Any Owner of property for which a permit is issued shall be responsible for the cost of repair of any damage to Municipal works that occurs as a result of the work covered by the permit.
- 13.3 The Owner to whom a permit is issued shall, during construction, keep:
- (a) Posted in a conspicuous place on the property in respect of which the permit is issued, the building permit or a poster or placard in lieu thereof, and
 - (b) A copy of the approved drawings and specifications on the property in respect of which the permit was issued.

Section 14.0 EQUIVALENTS AND TESTS

- 14.1 The provisions of this Bylaw are not intended to limit the appropriate use of materials, equipment or methods of construction not specifically authorized herein. An Owner desirous of providing an equivalent material, equipment or method of construction not specifically authorized by this Bylaw shall submit to the Building Inspector sufficient evidence to satisfy the Building Inspector that the proposed equivalent will provide the level of performance required by this Bylaw.
- 14.2 The Building Inspector may direct that tests of materials, devices, construction methods, structural assemblies, or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the Owner, where such evidence or proof is necessary to determine whether they meet the requirements of the Building Code.
- 14.3 To the extent that is possible, all tests required by the Building Inspector shall be carried out in accordance with recognized standard test methods. In the absence of such standard test methods the Building Inspector may specify the test procedure to be followed. A copy of the results of all such tests shall be retained by the Building Inspector after construction is complete, and shall form part of the Public Records.

Section 15.0 SAFETY STANDARDS

- 15.1 During the construction, alteration, repair, maintenance or demolition of any building or structure, safety measures for fire safety and protection of the public shall be carried out according to the requirements of the Building Code. **BL#1535**

Section 16.0 ENERGY CONSERVATION AND GHG EMISSION REDUCTION **BL#1940**

- 16.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the Town of Creston incorporates by reference the British Columbia Energy Step Code in accordance with Sections 16.2 through 16.4.
- 16.2 Buildings regulated by Part 3 and Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step One (1) of the Energy Step Code upon adoption.
- 16.3 Buildings regulated by Part 9 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the Energy Step Code as of December 31, 2022.
- 16.4 A building regulated by Part 3 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in Step 2 of the Energy Step Code as of December 31, 2022.

Section 17.0 SWIMMING POOLS

- 17.1 Swimming Pools shall be enclosed within a fence of not less than 1.5 metres in height with no openings greater than 100 millimetres in their least dimension. Access through the fence enclosing the swimming pool, shall be equipped with a self-closing gate so designed as to cause the gate to return to a locked position when not in use and secured by a spring lock which can be opened on the swimming pool side only. For the purpose of this Section swimming pool shall include any constructed or prefabricated pool used or intended to be used for swimming, bathing, or wading, having a surface area exceeding 15 m² or a depth of more than 450 millimetres.

Section 18.0 INTERMODAL SHIPPING CONTAINERS

BL#1812

- 18.1 Shipping containers used for the purpose of storage within a permitted zone shall be consider an accessory building and be required to have:
- (a) a minimum of one (1) ventilation opening located within 15 centimeters of the floor in the container door primarily used for opening;
 - (b) a minimum of one (1) ventilation opening located within 15 centimeters from the top of the container on the opposite end from the door for cross ventilation;
 - (c) high-level ventilation opening cannot be directly venting towards an adjacent structure;
 - (d) No ventilation opening can be obstructed by stored materials at any time and must be kept clear of internal and exterior debris;
 - (e) The additional ventilation openings must be constructed based on the following minimums:
 - (i) two (2) – 0.3 meter x 0.3 meter openings for containers 6 meters or less;
 - (ii) two (2) – 0.5 meter x 0.5 meter openings for containers over 6 meters;
 - (iii) both openings will be covered by open grate wire mesh with greater than 50 percent effective ventilation area;
 - (iv) high-level openings will have a wind-vent device, designed to generate a venturi effect during low wind speeds;
 - (f) Where heavier than air flammable and combustible liquids are stored in the container, a ventilation opening at low-level should also be installed at the opposites end from the doors;
 - (g) Where 1A flammable liquids in quantities greater than four (4) Liters are stored in the shipping container then provisions shall be made to withstand internal explosion as per the BC Fire Code and BC Building Code;
 - (h) Alternative engineered solutions for ventilation and explosion protection will be considered.

Section 19.0 MOVING OF BUILDINGS

- 19.1 Any person may make a preliminary inquiry to the Building Inspector asking whether a permit might be obtained to move a specified building to a specified site in the town and the Building Inspector shall give a written reply to the inquiry. Any statement by the Building Inspector that the requested permit might be issued shall stipulate that there be compliance with all relevant provisions of the Building Code and this Bylaw. The fee for any inspections made of buildings which are proposed to be moved shall be as set out in Appendix "A" attached hereto.

- 21.4 No person shall construct a retaining wall greater than 1.5 meters (4.92 feet) in height unless the retaining wall is built in accordance with plans certified by a professional engineer registered in the Province of British Columbia. **BL#1812**

Section 22.0 PENALTIES

- 22.1 Every person who violates a provision of this bylaw or the Building Code, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists. **BL#1773**

Section 23.0 GENERAL

- 23.1 Building Bylaw No. 732 and all amendments is hereby repealed.
- 23.2 This Bylaw shall come into full force and effect upon adoption.

READ FOR THE FIRST TIME this 21st day of April, 1997.

READ FOR THE SECOND TIME this 21st day of April, 1997.

READ FOR THE THIRD TIME this 5th day of May, 1997.

RECONSIDERED AND ADOPTED this 20th day of May, 1997.

“Lela Irvine”
Mayor

“Wm. F. Hutchinson”
Clerk

SCHEDULE "A" - *DELETED*

BL#1764



SCHEDULE "B"
Town of Creston
Building Bylaw No. 1394

BUILDING PERMIT APPLICATION

OWNER NAME: _____	PHONE: _____
ADDRESS: _____	POSTAL CODE: _____
BUILDER NAME: _____	PHONE: _____
ENGINEER/ARCHITECT: _____	PHONE: _____
WORK SITE ADDRESS: _____	
LEGAL DESCRIPTION: _____	
PROPOSED USE: _____ BUILDING AREA: _____	
<input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> OTHER	ESTIMATED COST: \$ _____

I ENCLOSE THE FOLLOWING

- TWO SETS OF PLANS AS REQUIRED BY THE BUILDING BYLAW

I REQUIRE THE FOLLOWING:

- ROAD ACCESS AND/OR CURB CROSSING
 WATER CONNECTION SIZE _____
 SEWER CONNECTION SIZE _____
 STORM CONNECTION SIZE _____

REQUIRED DOCUMENTS & INFORMATION

TWO SETS of Architectural plans and specifications, drawn to scale, dimensioned and showing all details.

All of these plans must contain sufficient detail to allow any competent person to construct the building or addition.

The complete sets will include:

1. SITE PLAN, indicating the legal description; entire shape of the property with all dimensions and North arrow; location and uses of existing and proposed buildings with distances from property lines; location and number of parking spaces and site drainage system.
2. FOUNDATION / BASEMENT PLAN, indicating footing locations and sizes as well as all of the requirements for FLOOR PLANS below.
3. FLOOR PLANS, indicating room uses; location and size of windows and doors including door swings; location of plumbing fixtures, appliances, fireplaces, heating system; framing of floor and ceiling including joist and beam dimensions as well as lumber grade.
4. BUILDING SECTIONS, showing all structural details of walls, floors, and roof; cross sections of stairs.
5. ELEVATIONS of each of the four sides on the building, showing all relevant architectural features.
6. SPECIFICATIONS of material to be used including wall, roof and floor sheeting; exterior and interior finishing; roofing material; insulation and vapour barrier description; description of mechanical ventilation, etc.
7. SCHEMATIC DRAWING showing all sizes of rough plumbing.

Upon issuance of the building permit, one set of plans will be retained by the Town with the other set being returned to the applicant with the Building Permit. This set of plans and permit must be kept on site until the building is completed.

NOTICE OF DISCLAIMER

(To be signed by the Owner prior to issuance of a Building Permit)

PLEASE READ CAREFULLY

The Owner(s) / Applicant(s) acknowledge the following:

1. This bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with the following: *This bylaw is enacted and retained for the purpose of regulating construction within the Town in the general public interest. The activities undertaken by or on behalf of the Town, pursuant to this bylaw, are for the sole purpose of providing a limited and interim spot-checking function for reasons of public health and safety. It is not contemplated nor intended, nor does the purpose of this bylaw extend to: (i) the protection of owners, owner/builders or builders from economic loss; (ii) the assumption by the Town of any responsibility for ensuring the compliance of any owner, his representatives or any employees, contractors or design professionals retained by him, with the current edition of the Building Code, the requirements of this bylaw or any other applicable codes or standards; (iii) providing to any person a warranty of design or workmanship with respect to any building or structure for which a building permit is issued under this bylaw; and (iv) providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Town is free from latent, or any defects.*
2. Issuance of the Permit does not relieve the Owner/Applicant from the responsibility of complying with all municipal, provincial and federal regulations governing the work permitted by this Permit, nor from the responsibility of obtaining information regarding same.
3. Construction shall be carried out in accordance with the Permit and all applicable regulations and in accordance with good construction practices.
4. The Owner/Applicant has inspected the building site and is satisfied that the building site will be safe from flood, mud flows, debris flows, debris torrents, erosion, landslip, rock falls, subsidence or any other hazards, natural or otherwise.
5. The Town of Creston does not warrant the accuracy of any information given to the Owner/Applicant by Town employees, or the compliance of the work completed or proposed under this Permit with any municipal, provincial or federal applicable regulations.
6. The Owner/Applicant agrees to reimburse the Town of Creston for the cost of repairing any damage to public works, including highways resulting from work done under this Permit.
7. Upon issuance of a Building Permit, pursuant to this application, it is the Owner's responsibility to make the necessary arrangements for the following required inspections:
 - a) FOOTINGS, prior to pouring;
 - b) DAMPPROOFING & DRAIN PIPE, **prior to backfill**;
 - c) ALL PLUMBING, prior to covering;
 - d) FRAMING, prior to insulating;
 - e) INSULATION & VAPOUR BARRIER, prior to covering;
 - f) AIR BARRIER & FLASHING, prior to exterior cladding;
 - g) FINAL, building is complete prior to occupancy.

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

Signature of Owner(s): _____ Date: _____

FOR OFFICE USE ONLY	
Building Permit No.: _____	Date Issued: _____
Folio No.: _____	Zoning: _____
Planning Dep't Approval : _____	R.T.E. Eligible (Y/N): _____
Development Permit Req'd. (Y/N): _____	D.P. Area: _____

INDEX OF AMENDING BYLAWS

Bylaw #1535	Adopted August 13, 2001
Bylaw #1627	Adopted October 11, 2005
Bylaw #1657	Adopted March 27, 2007
Bylaw #1673	Adopted February 12, 2008
Bylaw #1678	Adopted June 10, 2008
Bylaw #1711	Adopted June 9, 2009
Bylaw #1745	Adopted June 22, 2010
Bylaw #1752	Adopted January 25, 2011
Bylaw #1764	Adopted December 13, 2011
Bylaw #1773	Adopted December 13, 2011
Bylaw #1812	Adopted March 10, 2015
Bylaw #1940	Adopted October 12, 2021

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.