

CITY OF NANAIMO

BYLAW NO. 7224.06

A BYLAW TO AMEND "BUILDING BYLAW 2016 NO. 7224"

The Council of the City of Nanaimo in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the "Building Bylaw Amendment Bylaw 2023 No. 7224.06".

2. Amendments

"Building Bylaw 2016 No. 7224" is hereby amended as follows:

2.1 By adding the following definition to section 2:

"CERTIFIED PROFESSIONAL" means a registered professional listed on the Certified Professional Roster.

2.2 By deleting the the reference to "1.5" meters in the "STRUCTURE" definition and replacing it with "1.2 meters.

2.3 By deleting the reference to "1.5" meters in sections 5.2, and 19.1 and replacing it with "1.2" meters.

2.4 By deleting the word "moving" in sections 8.1.2 and 8.2 and replacing it with the word "locate".

2.5 By deleting section 8.1.4 in its entirety.

2.6 By deleting section 8.4 in its entirety.

2.7 By renaming section 9 to read as follows:

9(A). Applications for Complex Buildings

2.8 By deleting section 9.1.3 in its entirety.

2.9 By deleting sections 9.1.4.5 in its entirety and replacing it with the following:

"9.1.4.5 setbacks to the natural boundary of any lake, river, creek, spring, or wetland where the municipality's land use regulations establish siting requirements related to flooding;"

2.10 By deleting the words "two sets of" in section 9.1.13 and 10.1.11.

2.11 By adding the following after section 9.3:

9(B). Certified Professional Program

- 9.4 The Building Official may accept a permit application for a Complex Building under section 9(B), in addition to any other information required in this Bylaw in respect of the application, a certified Professional certifies in writing that:
- 9.4.1 the work covered by the application complies with the Building Code;
 - 9.4.2 the permit application has been prepared in accordance with the Certified Professionals Practice and Procedure Manual and the Program Municipal Insert (together, the "Manuals"); and includes all required letters of assurance, and any required confirmations with respect to the development and Building Code coordination; and,
 - 9.4.3 the Certified Professional has been retained by the Owner to perform all of the duties of a Certified Professional as set out in the Manuals.
- 9.5 A Certified Professional submitting an application under this section 9(B) must provide proof of insurance, in the amount of \$1,000,000 per claim, in a form satisfactory to the Building Official.
- 9.6 The Building Official may refuse an application under this section 9(B) if the statement under this section 9(B) is provided by a Certified Professional who has, in respect of any previous application under this section 9(B), failed to perform the duties of a Certified Professional in accordance with the Manuals, or in accordance with this section 9(B).
- 9.7 A Certified Professional must, in respect of any Building for which a Permit is issued under this section 9(B) and in addition to any other applicable responsibilities:
- 9.7.1 review for adequacy and acceptability, any report concerning testing and field reviews related to the Building and maintain a detailed record of such reports and, if requested, make these available to the Building Official;
 - 9.7.2 advise the Building Official promptly, in writing, of any significant known, unresolved contraventions of the Building Code, building permit requirements, this Bylaw and/or other applicable enactments;
 - 9.7.3 at least once every 30 days from the date of issuance of a permit, submit to the Building Official a written progress

report and any other information as reasonably required by the Building Official; and,

9.7.4 if the Certified Professional, at any time before the completion of the work that is the subject of the permit cease to be retained or otherwise involved as the Certified Professional, promptly notify the Building Official in writing of the date upon which they will cease to be involved. If the CP is deceased or incapacitated from completing this task, the responsibility for notification becomes that of the owner.

- 9.8 In addition to any other grounds the Building Official may have for posting a Stop Work Order in respect of a Building, the Building Official may post a Stop Work Order or revoke a permit issued under this section 9(B) in any of the following circumstances:
- 9.8.1 if the Certified Professional ceases to be retained by the Owner or is otherwise unable or unwilling to carry out field reviews or other duties committed to in the CP-1 letter, for which a Permit was issued under this section 9(B);
- 9.8.2 if the Certified Professional is no longer licensed as a Registered Professional in the Province of British Columbia or removed from the Certified Professional roster;
- 9.8.3 if the Certified Professional fails to perform any of their duties or obligations under this Bylaw; or,
- 9.8.4 if a document required by this Bylaw is not delivered by the Certified Professional within the timeframe specified in this Bylaw.
- 9.9 Where a permit application is revoked pursuant to section 9.8 or 4.11, only work necessary, as authorized by the Building Official to remove any hazards or to mitigate damage arising from exposure to the elements, may be undertaken on the Complex Building unless otherwise specifically authorized by the Building Official.
- 9.10 Work on the Building must not resume until the Building Official has received written notice from a Certified Professional that the Certified Professional:
- 9.10.1 has been retained by the Owner for the continuation of Construction of the Building; and,
- 9.10.2 will carry out the duties of the Certified Professional that are required in order to bring the Complex Building to completion as outlined in the CP Schedules CP-1, CP-2 , and CP-3 as required and in accordance with an issued permit.

9.11 Nothing herein contained shall in any way:

9.11.1 relieve the Owner, from full responsibility for ensuring that a Certified Professional is engaged at all times during construction of the Building and that the Building complies with the Building Code, this Bylaw and other applicable enactments; or,

9.11.2 limit the authority or discretion of the Building Official to review application materials, carry out field reviews, or otherwise treat the application or any aspect of the work covered by the application as if it were an application made beyond this section 9(B) of the bylaw.

9.12 In respect of any permit application made under this Section 9(B), and despite any plan checking or field review the Building Official may choose to carry out, the Building Official will rely on the assurances provided by the Certified Professional and, as applicable, any other Registered Professionals, that the work that is the subject of the application meets the requirements of the Building Code.

2.12 By deleting section 10.1.3 in its entirety.

2.13 By deleting section 10.1.4 and replacing it with the following:

“10.1.4. include a site plan prepared by a British Columbia Surveyor showing:”

2.14 By deleting section 10.1.4.5 in its entirety and replacing it with the following:

“10.1.4.5 setbacks to the natural boundary of any lake, river, creek, spring, or wetland where the municipality’s land use regulations establish siting requirements related to flooding;”

2.15 By deleting the word “off” in section 10.2.1 and replacing it with “off-site”.

2.16 By deleting section 10.2.10 in its entirety.

2.17 By deleting section 12.4 in its entirety and replacing it with the following:

“12.4 Where any re-inspection carried out pursuant to this Bylaw, discloses faulty work and a subsequent inspection is thereby made necessary, a re-inspection charge as set out in Schedule A of the Fees and Charges Bylaw shall be paid prior to additional inspections being performed.”

2.18 By deleting section 12.5 in its entirety and replacing it with the following:

“12.5 Where a permit holder fails to have the work to be inspected accessible and/or ready at the time of scheduled inspection, a re-inspection charge, as set out in Schedule A of the Fees and Charges Bylaw, shall be paid prior to additional inspections being performed.”

- 2.19 By deleting section 12.6 in its entirety and replacing it with the following:
“12.6 The fee for revision of a permit shall be applied each time an applicant elects or is directed to revise a permit after the permit has been issued as set out in Schedule A of the Fees and Charges Bylaw.
- 2.20 By deleting the word “When” in section 13.1 and replacing it with the following:
“A Building Official shall issue the permit for which the application is made when:”
- 2.21 By deleting the following from section 13.1:
“a Building Official shall issue the permit for which the application is made.”
- 2.22 By adding the word “and” after the semicolon in section 13.1.4 and adding a period to the end of section 13.1.5.
- 2.23 By deleting section 13.2.1 and 13.2.2 in their entirety and replacing it with the following section 13.2.1 and 13.2.2 and adding a 13.2.3 as follows:
“13.2.1 is covered by home warrant insurance, and the constructor is a licensed residential builder; or,
13.2.2 has provided proof of rental exemption; or,
13.2.3 has provided proof of an owner builder authorization.”
- 2.24 By deleting section 13.3 in its entirety.
- 2.25 By adding the word “of” prior to the second reference to the word “work” in section 16.2.5.
- 2.26 By deleting the word “the” prior to the words “those portions” in section 17.3.
- 2.27 By deleting the word “and” and adding a comma prior to the word “roofing” in section 17.4.5.
- 2.28 By deleting the first sentence in section 17.4.6 and replacing it with the following:
“Before a building drain, water service/fireline, sanitary or storm sewer is covered.”
- 2.29 By deleting the words “the second” in section 17.8 and replacing them with “any subsequent.”
- 2.30 By deleting reference to “building inspector” in section 29.6 and replacing it with “Building Official”.
- 2.31 By deleting section 30.1 and 30.2 and replacing those sections with the following:

“30.1 Any Person who causes permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.

30.2(a) This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.

30.2(b) Each day that an offence continues or exists shall constitute a separate offence.

2.4 By deleting section Section 33.

2.5 By deleting Schedule “A”.

PASSED FIRST READING: 2023-NOV-20
PASSED SECOND READING: 2023-NOV-20
PASSED THIRD READING: 2023-NOV-20
ADOPTED: _____

MAYOR

CORPORATE OFFICER